

**COMPREHENSIVE PARTNERSHIP AGREEMENT
FOR
WESTWIND CONSTRUCTION**

LEVEL TWO PARTNERSHIP AGREEMENT

Agreement is between:

Michigan Occupational Safety and Health Administration (MIOSHA); Westwind Construction and Partnering Subcontractors.

Project Description:

Phase 3 of Ridge 45 Apartment Community to include seven three-story, 24-unit apartment buildings and associated site work in Garfield Township, Grand Traverse County, Michigan (“Ridge 45”).

I. IDENTIFICATION OF THE PARTNERS

The partners to this agreement include the Department of Licensing and Regulatory Affairs, MIOSHA; Westwind Construction; and the Subcontractors, including any tier subcontractors (hereinafter collectively referred to as the “Partnering Employers”). The partners are listed below and new ones will be added as they become signatory with the project.

Partnering Employers

Jozwiak Engineering
Molon Excavating
JDE Concrete
Sheren Plumbing and Heating
Consolidated Electric
Video Tech Tronics
IRT Roofing
Armour Siding
Kingsley Lumber
American Waste
Northwind Insulating Systems, LLC
Clark Drywall
Ideal Painting

II. COMMITMENT

The leadership of MIOSHA, Westwind Construction, and partnering employers through a common vision is committed to providing all trades people and subcontractors a healthful

and safe work place and to demonstrate leadership, responsibility, and accountability in furthering worker health and safety at all levels.

The practice of diligence, good judgment, and common sense by all project team members including subcontractors helps to create an environment in which the frequency of accidents is substantially reduced. The Westwind Construction's Site-Specific Safety and Health Program has the total commitment of all management levels and receives top priority in its application.

The Westwind Construction Site-Specific Safety and Health Program has been established principally to govern the activities of all personnel employed in any capacity on Ridge 45 Phase 3 and is dedicated to the goals as stated by the Michigan Occupational Safety and Health (MIOSH) Act (Act 154 of 1974, as amended: To provide work and a place of work that is free from recognized hazards.

The Westwind Construction Site-Specific Safety and Health Program provides an administrative structure within which Westwind Construction and trade contractors on the project site shall provide for the safety and health of their employees and other individuals affected by their activities and for the protection of property. This program does not relieve subcontractors of any of their traditional or specific legal responsibilities with respect to occupational safety and health or the protection of property. Rather, it provides for coordination among the individual programs of each trade contractor and monitors each trade contractor's conformance to its respective programs. This prompts the initiation of corrective actions when nonconformance is identified and ensures documentation of safety-related programs, meetings, and incidents. The program is aligned with the MIOSHA mission of assuring the safety and health of Michigan workers.

III. GOALS

The active integration of the Westwind Construction Site-Specific Safety and Health Program along with this partnership with the subcontractors and MIOSHA will endorse the ultimate goal of ZERO INJURIES. It is paramount that from the design through construction, safety policies and procedures support the Quality of Life on this project by ensuring "Everyone goes home the way that they came to work." The injury free vision of a workforce that is supported, motivated and inspired, must start with the construction craft men and women and their organizations who come from the local communities to build this project.

Project Primary Safety Goals:

ZERO INJURIES

ZERO ACCIDENTS

100% NEAR MISS REPORTING

Promote positive attitudes and actions in team members that will continue to influence their safety knowledge and performance beyond this specific project.

Supporting Goals:

- 100 percent safe site conditions through team education, monitoring, and reinforcement.
- Effective coordination and cooperation between trades to enhance and support the safety efforts and performance of each team member individually and the project team as a whole.
- Increased knowledge of safety rules and requirements.

IV. ROLES AND RESPONSIBILITIES

A steering committee will be designated consisting of members from Westwind Construction, supporting partners, and partnering employers. The purpose of the steering committee will be to develop an implementation plan; and review data and reports. The partners will meet as appropriate to resolve any issues that arise during the course of this partnership. Once the project is up and running there will be monthly meetings with the steering committee. Every three months the steering committee will meet with MIOSHA to discuss findings, statistics, issues, and review reports.

V. OBJECTIVE AND LEVERAGING

The partners agree to construct a partnership based on mutual respect and trust that leverages the resources of all the parties through the systematic anticipation, identification, evaluation, and control of health and safety hazards involved with the Ridge 45 construction project, thereby continuously being pro-active in an attempt to reduce or eliminate worker injuries and illnesses.

VI. SAFETY AND HEALTH PROGRAM

Westwind Construction and the partnering employers will be committed to the Site-Specific Safety and Health Program that is designed to meet the needs of the ever-changing conditions which are common to the construction industry. Recognizing that engineering techniques alone are not enough to ensure that exposure to hazards are controlled, the program includes coordination, monitoring, and educating the personnel involved in constructing the project. These components will be implemented through the same principles of management control applied throughout all phases of the project.

Key elements of the Westwind Construction Site-Specific Safety and Health Program for the Ridge 45 project (this list is not intended to be all encompassing of the Site-Specific Safety and Health Program.):

- Adherence to All Safety Policies, procedures, and MIOSHA standards.
- 100% fall protection over six (6) feet, including steel erection and roof work.

- 100% Personal Protective Equipment (PPE) including hard hats, eye protection – prescription eye wear with side shields or ANSI Z-87.1 protective safety glasses with built in side shields, and appropriate work footwear.
- Mandatory attendance to a project safety orientation. This includes project orientation, a project-specific safety video, and passing a written test at the completion of session.
- All crane operators will be Certified Crane Operators (CCO) as recognized by the National Commission for the Certification of Crane Operators (NCCCO) and other recognized certification agencies.
- Mandatory pre-work substance abuse testing.
- Mandatory post-accident substance abuse testing.
- Pre-Task Analysis (PTAs) are to be completed and submitted to Westwind Construction prior to each shift and prior to the beginning of critical work.
- Contractors shall provide a Competent and/or Qualified Person for work operations as identified by MIOSHA standards and/or Westwind Construction.
- Westwind Construction and the partnering employers on this project will uniformly enforce a disciplinary action plan for employees who fail to work in a safe manner. Automatic dismissal from this project shall result from any willful or deliberate violation of safety rules or safety policies and procedures.

Subcontractor and Employee Accountability

- Assume direct responsibility of not less than the minimum level of performance set forth in the Site-Specific Safety and Health Program, which means full compliance with the MIOSH Standards, and all applicable federal, state, and local regulations.
- Develop, promote, and maintain a positive safety climate at all times.
- Give consideration to all safety factors during the planning and scheduling of work operations to control potential injury and property damage hazards. (PTA required.)
- Make their position in the Site-Specific Safety and Health Program clear to supervisory personnel, and employees by stressing the importance executive management attaches to safety and loss control.
- Provide and enforce the use of all necessary PPE, which includes but is not limited to: hard hats, safety glasses, earplugs, face shields, respirators, safety harnesses, lanyards, fall protection devices and anchorage systems, etc.
- **HARD HATS, SAFETY GLASSES, AND APPROPRIATE FOOTWEAR WILL BE WORN AT ALL TIMES** - This includes management, vendors, visitors, etc.
- Provide properly guarded and maintained tools, machinery, and equipment.
- Ensure that ground fault circuit interrupters are inserted in all required electrical power circuits.
- Provide and maintain good housekeeping conditions and adequate fire protection equipment.
- Provide proper and adequate training for employees regarding the hazards of their jobs and how to work safely.

- Correct unsafe work habits of employees as soon as they are observed.
- Eliminate unsafe conditions under your control and promptly report (in writing and verbally) those conditions you cannot eliminate to the Westwind Construction Project Safety Manager.
- Follow-up on all recommendations submitted by Westwind Construction or MIOSHA.
- Attend all scheduled safety meetings.
- Immediately notify Westwind Construction of any incident that causes damage to property, and conduct an immediate investigation with a written report to Westwind Construction within a 24-hour period.
- Report all injuries or accidents to the Westwind Construction Safety Manager. (A full report and investigation of an injury is required and must be submitted to Westwind Construction within a 24 -hour period.)
- Report all near misses to Westwind Construction which could have potentially caused property damage or personal bodily injury. A full report and investigation is required.
- Ensure employees who receive off-site medical attention obtain a post-accident drug screening per the project-specific safety and health program.
- Ensure employees who receive medical attention obtain a medical work release from the attending physician and present it to Westwind Construction before they return to work.
- Furnish all reasonable information concerning the safety of their operations as may be required by Westwind Construction and MIOSHA.
- Provide and properly maintain warning signs and lights, barricades, railings and other safeguards for protection of employees and others on, about, or adjacent to the work, as required by the conditions and progress of the work and as directed by Westwind Construction.
- Provide copies of all MIOSHA inspection reports to Westwind Construction, along with the corrective action taken.
- Promote total job safety among both your employees, other company employees, and visitors.
- Promote continued education and training for your employees.
- Conduct executive management audits of your employees and file those findings with the Westwind Construction safety manager.

Pre-Task Planning

One of the most effective methods and tools available to help supervisors protect the health and safety of their employees is a **Pre-Task Analysis**, or **PTA**. A PTA involves identifying the basic tasks of a job; determining any existing or potential hazards associated with each of the tasks; and then developing recommendations for eliminating or controlling each of those hazards. A PTA will be required each shift, before any major elements of work are

performed, coordinating the efforts of subcontractors, trades people and other project personnel to ensure the common safety of all involved.

VII. DATA COLLECTION, MANAGEMENT, and MEASUREMENT

Westwind Construction will establish a partnering employer Safety Performance Measurement Database. The database will track each partnering employer's actual recordable injury and illness performance on all Westwind Construction projects. The information collected will be used by Westwind Construction to evaluate the partnering employer's safety performance with established project safety goals.

Safety Review Meetings will be held with partnering employer's executive management for, but not limited to, the following:

- One (1) lost time injury.
 - Two (2) or more recordable injuries or near misses.
 - Property damage in excess of \$10,000.00.
 - Failure to meet the requirements of the Westwind Construction site-specific safety and health program.
 - Repeated written employee disciplinary notices for safety violations.
1. Baseline data will be collected that corresponds directly to all line items on the MIOSHA 300 Log. Project safety data including injury/illness logs and other project measurements will be provided to MIOSHA in the form of a monthly report to be submitted by the 15th day of the following month.
 2. Near-miss data will be collected throughout the project. Full investigation with written report will be required for all near-misses. Near-miss data and the corrective action taken will be incorporated in the monthly and annual reports to MIOSHA.
 3. All Days Away, Restricted, or Transferred recordable injuries and illnesses will be reported to MIOSHA within 24 hours. A written report of the incident will be sent to MIOSHA within three (3) days of the incident.

VIII. EMPLOYEE INVOLVEMENT, SAFETY AWARENESS, MONITORING and POSTING

Employees bring valuable skills and perspectives to the development stage of a partnership and participation is essential. Employee and organization involvement (e.g., union, employee safety and health committee) in the day-to-day implementation of worksite safety and health management systems and other comprehensive partnership activities is required.

Partnering employers must commit to incorporating high levels of employee involvement, both management and field staff, in their safety and health management system if such an element does not already exist.

1. Employee Responsibilities

- Each employee is responsible for learning and abiding by those rules and regulations, which are applicable to the assigned tasks and for reporting observed hazards and near misses to his/her immediate supervisor. If the hazards are not corrected, the affected employee shall report the conditions to the Westwind Construction Safety Manager.
- NO EMPLOYEE SHALL BE REQUIRED OR KNOWINGLY PERMITTED TO WORK IN AN UNSAFE ENVIRONMENT. UNSAFE CONDITIONS WILL BE CORRECTED AND EMPLOYEES WILL BE ALLOWED TO WORK ONLY AFTER PROPER PRECAUTIONS HAVE BEEN TAKEN FOR THEIR PROTECTION. A PTA MUST BE COMPLETED TO PERFORM TASKS IN HAZARDOUS AREAS.

2. Safety Meetings, Audits, and Training

- Daily safety audits by Westwind Construction safety team.
- Periodic site safety audits by Westwind Construction. A written summary of the audit will be provided. Partnering employers must abate hazards upon notification of results of the audit.
- All employers will conduct a weekly safety audit and checklist, and submit to Westwind Construction.
- The MIOSHA Consultation Education and Training (CET) Division job-site survey will include a walk-around at the project site and will provide a written summary as a result of the survey. CET will also review the most recent Westwind Construction audit and the corrective actions taken.
- Project statistics will be monitored, analyzed, trended, and presented on a monthly basis with specific recommended courses of actions if necessary. This does not preclude daily corrective actions from being directed.
- Tool Box Talks will be held with all employees on a weekly basis.
- A weekly safety meeting will be held with trade supervisors to discuss relevant safety issues and concerns. Meeting minutes will be generated and distributed to all subcontractors on the project.
- Safety issues will be discussed at the weekly progress meeting with all subcontractors.
- Based on the results of site audits, Westwind Construction will conduct periodic safety and health training for partnering employers' supervisor(s) and employee(s).
- MIOSHA CET may be contacted for possible assistance in training. Partnering employer participation is required to garner the benefit of the MIOSHA CET resource.
- MIOSHA CET may conduct a job site survey as frequently as desired during the course of the project. Frequency will be determined upon benefit to the project

workforce. The surveys will be conducted during times when peak activity is taking place on the project, if possible.

3. Safety Awareness, Monitoring and Posting

- A project safety orientation is required for all craft workers on the job which includes a project site orientation, project-specific safety video, testing at the completion of the session, and signed worker acknowledgement.
- A graduated scale for safety awareness for new workers will be implemented at the project for a minimum of one week.
- Safety pamphlets, signs, banners, vests and hard hat stickers promoting a safe work site shall be provided by prime contractor.
- A disciplinary action policy will be strictly enforced as part of the Westwind Construction Site-Specific Safety and Health Program.
- Jobsite statistics are to be posted and distributed to all parties involved.
- A project safety board will be located at the entrance to the jobsite or other high foot traffic area.
- Safety suggestion boxes will be provided to allow for employee anonymity suggesting increased safety awareness and positive change.

IX. STAKEHOLDER INVOLVEMENT

MIOSHA Leadership, Westwind Construction project leadership, and the partnering employers of the Ridge 45 project, have developed this agreement to promote a safe work place. Involvement, input, and participation by all partners' and stakeholders will be key to the success of this partnership.

The Supporting Partners' involvement will be limited to their endorsement of and approval for this partnership to proceed. It is not anticipated nor is it expected that the Supporting Partners will be responsible for the elements listed within this partnership agreement.

X. MIOSHA INSPECTIONS

This partnership does not preclude employees and/or employers from exercising any right provided under the MIOSH Act, nor does it abrogate any responsibility to comply with the Act. MIOSHA inspections to investigate employee complaints, referrals, serious injuries or fatalities, and national or state emphasis programs are also not precluded by this agreement. All partnering employers remain subject to MIOSHA inspections and investigations in accordance with established agency policy and procedures.

1. MIOSHA will conduct not more than one (1) programmed compliance inspection annually during the course of the project.
2. MIOSHA programmed compliance inspections will focus on Strategic Plan and serious hazard issues including the following:

- a) Fall hazards
 - b) Electrical hazards
 - c) Caught between/crushed by hazards
 - d) Struck by hazards
 - e) Lifting and rigging hazards
 - f) Confined space hazards
 - g) Noise hazards
 - h) Air contaminant hazards
3. The focus areas listed in a) through h) above would be addressed through review of applicable standards, rather than separately created protocols.
 4. MIOSHA would agree to not issue citations for violative conditions determined to be of an “other than serious” nature at the time of the inspection, if abated by the closing conference of the inspection.
 5. Complaints and referrals will be handled in accordance with established MIOSHA procedures. However, complaints and referrals deemed to be of an “other-than-serious” nature will typically be handled by letter or phone/fax procedures.
 6. MIOSHA’s discretion to investigate employee complaints, serious injuries or fatalities, and national or state emphasis programs is not precluded by the agreement.

The partnering employers of this agreement agree to facilitate the inspection process by providing MIOSHA staff access to the worksite injury and illness reports related to the focus areas listed in number 2 above. The MIOSHA compliance officer will review the recordkeeping information, conduct a walk-through inspection, and interview workers in accordance with MIOSHA inspection policy and procedures.

XI. VERIFICATION

Verification of health and safety progress is a multi-step process, which may include but not limited to:

- Data collection and analyses.
 - Monthly and annual project reports provided to MIOSHA.
 - MIOSHA compliance inspection(s).
 - MIOSHA CET site surveys.
1. All partnering employers remain subject to MIOSHA inspections and investigations in accordance with established agency procedures.
 2. All partners’ employees and/or employee representatives will be involved in verification inspections as required. At a minimum, the inspection procedures outlined

above (Section X.) must afford employees all statutory rights pertaining to participation in inspections.

3. Partners may use internal resources or private consultants to conduct worksite assessments. However, this does not take the place of MIOSHA focused compliance inspections.

XII. ADVANTAGES

Advantages will include focused inspections for construction partnerships. The focused inspection should result in shorter inspections. For MIOSHA, this partnership will demonstrate proactive measures in providing safety and health workplace strategies. Furthermore, MIOSHA should also benefit from leading edge technologies, health and safety research, and the identification of emerging issues generated at the Ridge 45 Project. The Ridge 45 project can also be used as a pilot for MIOSHA to spread this concept to other construction companies. Finally, all parties should benefit from positive collaborative information relative to the partnership and whenever health and safety problems are identified and resolved.

XIII. KNOWLEDGE AND TECHNOLOGY TRANSFER

Upon request of MIOSHA, representatives of Westwind Construction may participate in discussing the aspects of the comprehensive partnership with committees and at conferences on general safety and health topics and on specific safety procedures that were used to further health and safety on the Ridge 45 Project. This agreement will continue these actions and expands others such as alerts on new health and safety issues that may occur during the construction process on the job. Westwind Construction and employers may also be asked to review and or pilot applicable proposed MIOSHA safety and health standards/guidelines and provide an evaluation to other stakeholders which, among other things, assesses the cost benefit of utilizing the proposed MIOSHA standards/guidelines.

XIV. EVALUATION REPORT

A self-assessment report that gauges the effectiveness of the MIOSHA partnership will be completed by Westwind Construction every three (3) years or at the completion of the project, whichever is first. This assessment will be completed using the MIOSHA Partnership Evaluation Report format.

XV. INITIATION AND TERMINATION OF AGREEMENT

The partnership agreement is effective on the date of signing and will be in effect for the duration of the project (or three (3) year maximum). At least six (6) months prior to the termination of the agreement, the parties will meet to confer and to evaluate the partnership successes and deficiencies (and possible extension). Without regard to project duration, any of the parties can terminate the agreement within 30 days after notification of the parties of a change in conditions or irreconcilable differences.

XVI. ACCEPTANCE OF AGREEMENT

The provisions and acceptance of this agreement identified herein shall not modify any legal or contractual rights and remedies.

Acceptance of the terms of this agreement may be accomplished by executing this Agreement.

No modification of the terms of this Agreement shall be valid unless MIOSHA and Westwind Construction agree to such modifications in writing.

Accepted

Michigan Occupational Safety and Health Administration (MIOSHA) Authorized Signature

By: _____
Barton G. Pickelman, CIH
Title: Director, MIOSHA
Date: _____

Michigan Occupational Safety and Health Administration (MIOSHA) Authorized Signature

By: _____
Lawrence Hidalgo, Jr.
Title: Director, Construction Safety and Health Division
Date: _____

Accepted

Westwind Construction Authorized Signature

By: _____
Greg M. Oleszczuk
Title: President
Date: _____

Westwind Construction

Authorized Signature

By: _____

Peter G. Oleszczuk

Title: Vice President

Date: _____

Westwind Construction

Authorized Signature

By: _____

Scott M. Knowlton

Title: Vice President – General Counsel

Date: _____

Westwind Construction

Authorized Signature

By: _____

Douglas E. Meekhoff

Title: Sr. Project Manager

Date: _____

Westwind Construction

Authorized Signature

By: _____

Gabriel J. McMasters

Title: Senior Site Supervisor

Date: _____

Westwind Construction

Authorized Signature

By: _____

Robert Norton

Title: Assistant Site Supervisor

Date: _____

Westwind Construction

Authorized Signature

By: _____

Samuel R. Bishop

Title: Safety Director

Date: _____

Jozwiak Engineering

Authorized Signature

By: _____

Scott Jozwiak

Title: Safety Director

Date: _____

Molon Excavation

Authorized Signature

By: _____

Michael Walton

Title: Project Manager

Date: _____

JDE Concrete

Authorized Signature

By: _____

Joel Eerdmans

Title: President

Date: _____

Sheren Plumbing and Heating

Authorized Signature

By: _____

Jason Brochert

Title: President

Date: _____

Consolidated Electric

Authorized Signature

By: _____

Tim Newton

Title: Project Manager

Date: _____

Video Tech Tronics

Authorized Signature

By: _____

Chris Johnson

Title: President

Date: _____

IRT Roofing

Authorized Signature

By: _____

Chris Lee

Title: President

Date: _____

Armour Siding

Authorized Signature

By: _____

Jeffrey Armour

Title: President

Date: _____

Kingsley Lumber

Authorized Signature

By: _____

Beau Vore

Title: President

Date: _____

American Waste

Authorized Signature

By: _____

Pat Cline

Title: Account Representative

Date: _____

Northwind Insulating Systems, LLC

Authorized Signature

By: _____

Steve Grimm

Title: President

Date: _____

Clark Drywall

Authorized Signature

By: _____

Michael Clark Jr

Title: President

Date: _____

Ideal Painting

Authorized Signature

By: _____

Jake Austin

Title: General Manager

Date: _____

Accepted

Authorized Signature

By: _____

Title: _____

Date: _____

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