Contractor Safety

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Introduction

All firms contracted by Midwestern State University, because they are employers, are required to provide safe and healthy employment to their employees.

Midwestern State University as an employer is also responsible for providing a safe and healthful work environment for its employees. Contract work, especially in occupied buildings, may present situations or conditions that may adversely impact on the safety and health of MSU employees.

Responsibilities

All MSU personnel responsible for managing contracts will ensure that:

1. Each contractor is provided with warnings of hazards and information about MSU programs for abating these hazards;

2. Each contractor is informed of MSU safety, health, and environmental requirements; and

3. The work is conducted in a safe and responsible manner in compliance with applicable regulations and MSU requirements.
Contracting Officer

The Contracting Officer will ensure that the contract language requires the contractor to:

1. Meet all applicable federal, state, and local environmental, health, and safety regulations and MSU requirements;

2. Provide its employees with the necessary training, medical exams, and safety equipment;

3. Submit written comprehensive safety and health plan for the specific contract undertaken;

4. Comply with all applicable federal, state, and local regulations and MSU requirements, with violation being grounds for default of the contract.

The project's Contracting Officer will:

1. Communicate the contractual, statutory, and other environmental, health and safety requirements to the contractor prior to the start of the contract;

2. Ensure that the safety and health plan is submitted with the bid package;

3. Ensure that such requirements are addressed in the Request for Solicitation and/or contract paperwork; and

4. Ensure that such requirements are observed.

5. Upon receipt of a report of a noncompliance or any condition, which poses a serious or imminent danger to health or safety, issue a request for immediate corrective action from the contractor.

Project Officer

The Project Officer will, prior to the start of the contract, inform the contractor of the requirement to observe all environmental, health, and safety provisions specified in the contract, provided by statutes/regulations or otherwise required.

The Project Officer and his/her representative will:

1. Ensure Office of Environmental Safety (OES) is provided with a copy of the contractor's written health and safety plan for review prior to the pre-construction meeting with the contractor.

2. Ensure OES is represented at all pre-construction meetings held with contractors.

3. Provide OES and Physical Security with a tentative construction schedule for contractors on-site and immediate written notification of changes.

4. Notify all effected departments of contractor work schedule, location, and special precautions or concerns prior to the start of the project.

5. Monitor the contractor's work performance and determine if contractor is complying with the contract health and safety plan and pertinent environmental, health, and safety regulations. Any questions regarding compliance with specific regulations should be referred to OES.

6. Ensure that all required permits are completed by the contractor and provided for review and signature of an authorized person and/or appropriate OES personnel.
7. Notify OES immediately of construction accidents and provide OES with a copy of the contractor's accident reports.

8. Notify OES immediately of an OSHA complaint and/or inspection of contractor's jobsite.

Office of Environmental Safety

The Office of Environmental Safety (OES) will conduct a pre-solicitation project review of the contract to ensure that all appropriate health and safety regulations and requirements and pertinent work site hazard information have been incorporated, where necessary. OES will document review of the plan and will note any areas of special concerns.

The Office of Health and Safety will review and monitor the contractor's adherence to its written health and safety plan and all applicable environmental, health, and safety requirements.

Contractor

A firm or individual contracted to MSU is responsible for meeting all contractual agreements and for providing a safe and healthy workplace for its employees.

The contractor will:

1. Provide for frequent and regular safety inspections of the worksites, materials, and equipment by competent employees.

2. Notify the Project Officer of construction accidents in a timely manner.

3. Notify the Project Officer of non-formal OSHA complaint notifications and/or OSHA inspection of the jobsite.

Health and Safety Plan

When required by the contract, the contractor must develop and implement a comprehensive health and safety plan for his or her employees which covers all aspects of onsite construction operations and activities associated with the contract. This plan must comply with all applicable health and safety regulations and any project-specific requirements that MSU has specified. The contractor must provide the Contracting Officer with a copy of this plan with its bid package.

Acceptance of the contractor's health and safety plan only signifies that the plan generally conforms to the requirements of the contract. It does not relieve the contractor of the responsibility for providing employees with a safe and healthful work environment. This concept must be communicated to the contractor by the Contracting Officer and also incorporated into the contract document.

Preconstruction Meeting

Representatives of the contractor shall meet with the Contracting Officer, Project Officer, and OES representative prior to the start of construction for the purpose of reviewing safety requirements and discussing implementation of all health and safety provisions pertinent to the work under contract.

The OES representative will review the contractor's site specific safety and health plan with the contractor as well as review all required material safety data sheets (MSDS) submitted for proposed products to be used by the contractor.

MSU is required by OSHA standards, most notably 29 CFR 1910.1200, Hazard Communication Standard, to provide information to contractors on the hazards present at the work site. This information will be made available to the contractor in the project specifications (pre-bid) as well as at the pre-construction meeting.

The Office of Health and Safety will, during the pre-construction meeting, provide the contractor with copies of MSU written procedures such as lockout/tagout, confined space entry and permit process, and excavation/trench permit process.
Fire Prevention and Protection

The contractor shall prepare and carry out an effective fire protection and prevention plan, including provisions for the fire protection and suppression equipment set forth in this section. This plan shall be made part of the comprehensive safety and health plan submitted by the contractor with its bid package.

- **Housekeeping.** Good housekeeping, with provision for prompt removal and disposal of accumulations of combustible scrap and debris, shall be maintained in all areas of the jobsite. Self-closing metal containers shall be used for disposal of waste saturated with flammable liquids.

- **Codes and regulations.** The contractor shall comply with the requirements published in the current revisions of the National Electrical Code, National Electrical Safety Code, and the National Fire Protection Association standards.

- **Smoking.** Smoking or other sources of ignition shall not be permitted in areas where flammable or explosive materials are stored or are present. All such areas shall be conspicuously posted: NO SMOKING OR OPEN FLAMES. There is a no smoking policy in effect within all MSU facilities.

- **Fires.** Fires and open flame devices shall not be left unattended unless protected with automatic temperature control and cutoff devices.

- **Cleaning and degreasing.** Gasoline and liquids with a flash point below 100 degrees Fahrenheit shall not be used for cleaning and degreasing.

- **Building exits.** All buildings, shops, and plant facilities in which employees are required to work shall have at least two well-marked and lighted exits. The two exits shall be arranged to minimize the possibility of both exits being rendered inaccessible by one fire or emergency condition.

- **Fire extinguishers.** Distinctly marked fire extinguishers rated 2A40B:C or greater shall be suitably placed as follows:
  2. One for each 3,000 square feet of building area or major fraction thereof. Travel distance from any point of protected area to nearest extinguisher shall not exceed 100 feet.
  4. One or more on each floor of buildings with at least one located adjacent to each stairway.
  6. At least one located outside but not more than 10 feet from the door opening into any room used for storage of more than 60 gallons of flammable or combustible liquids.
  8. At least one located not less than 25 feet, nor more than 75 feet from any outside flammable or combustible liquid storage area.
  10. At least one within 50 feet of wherever more than 5 gallons of flammable or combustible liquids or 5 pounds of flammable gas is being used.

ENVIRONMENTAL AND SAFETY ISSUES

These rules apply to all Contractors and outside parties utilizing or servicing grounds, buildings or other facilities on Midwestern State University and property.

- **Lock Out / Tag Out:** At anytime the Contractor must disengage the power to any power loop, power feed or any equipment the Contractor will observe lockout/tag-out procedures. The following requirements shall be complied with at anytime a unit is out of service.

  At anytime the Contractor must disengage the power to any Owner owned power loop, power feed or any equipment the Contractor will notify the Physical Plant Office at 940-397-4228 and Central Plant at 940-397-4202. The Contractor must state the reason the system power is being disengaged and the duration of the power down. All scheduled activities must be scheduled at least seven days in advance. All verbal notifications are to followed up with written notification as soon as possible but no longer than two calendar days. The Contractor must receive approval prior to disengagement of power, from Physical Plant with the exception of emergency life safety issues.

  The Contractor will utilize a uniquely keyed lock with an appropriately marked tag that states that the unit is locked out, reason that it is locked out, estimated work completion date and time, Contractor name, telephone number, person of contact, 24 hour emergency contact telephone number or pager number.

- **Fall Protection:** At anytime contractors are working in areas where fall hazards exist. Contractor shall implement the requirements e 29 CFR 1926.500 - .503 and all appendixes as they apply to "Fall Protection". The Contractor shall have on site at all times, for the duration of the Project, a copy of their company Fall Protection Plan.

- **ENVIRONMENTAL COMPLIANCE REQUIREMENTS**
  2. **Definitions:** Pollutant, pollution, hazardous waste, hazardous substance, hazardous material, or contaminant, means any toxic or harmful substance as defined by CERCLA, SARA and/or any similar federal, state, or local law, rule, or regulation.

  4. **Equipment Cleaning:** Equipment should be cleaned in a manner that does not create any...
discharge of cleaning agents, paints, oil, or other pollutants to a storm sewer or waterway. Soaps and detergents should never be discharged to the ground or off-site. When rinsing painting or application equipment outside, contain rinse water in a bucket or other container. Water based or latex-based material rinse water may be discharged to the sanitary sewer. Oil-based wastes, including solvents and thinners, should not be disposed of in the sanitary sewer. They must be collected and disposed of properly at the Contractor’s cost. Cement handling equipment should be rinsed in a contained area so there is no drainage off-site.

6. **Waste Disposal:** Any trash or debris must be contained on-site and disposed of in a recycling bin or waste receptacle to prevent wind or rain from carrying it off-site or into a storm drain or waterway. The Contractor is responsible for all debris generated by his / her work procedures and all waste generated by his / her employees or sub-contractor while on MSU property. Petroleum wastes, such as waste oil and used oil filters, should be containerized for recycling or disposal by the Contractor. Non-hazardous solid wastes, such as general construction debris can be recycled or disposed of in standard waste container. The Contractor is responsible for the disposal of all waste generated in relation to the work required by this contract. The Contractor may not dispose of generated waste in dumpsters on the MSU campus unless the Owner grants written consent. Never dispose of liquid wastes of any kind in dumpsters.

8. **Sediment:** Proper erosion and sedimentation controls must be in place to prevent sediment or silt run-off. Sediment (including cement) should never be rinsed off the site; instead, it should be cleaned in a manner that does not allow it to reach a storm drain or waterway. Equipment tires may be rinsed before leaving the site to avoid tracking sediment into the roadway or off the site.

10. **Petroleum:** Spills of hydraulic fluid, oil and other petroleum products should always be immediately cleaned to prevent discharge of these fluids with storm water run-off. Petroleum contaminated soil should be cleaned and disposed of properly. Storage containers should be kept closed, clean, and free of oily residue. Containers over 250 gallons (including mobile tanks) should be stored inside secondary containment.

12. **Equipment Room and Pits:** All waste water or liquids collected from equipment rooms and equipment pits shall be collected in drums for testing for petroleum and other possible contaminates prior to disposal. All contaminated water and liquids must be disposed of properly.

○ **SPILL PREVENTION, CLEAN-UP AND DISPOSAL**

2. **Plan Ahead:** It is cheaper to prevent spills than to clean them. Be prepared to contain or dike spills to prevent spreading. Small areas are easier to clean than large ones. Keep sorbent materials such as clay (kitty litter), polypropylene brooms and pads, rags and sawdust on hand for clean up of spilled liquids.

4. **Clean Up:** Sorbent materials can be used to effectively clean various materials spilled on pavement, water, and soil. Soil or other media that has been contaminated with petroleum or other pollutants should be excavated or remediated to prevent contaminated discharges to a storm drain or waterway. Excavated contaminated materials should be stored in containers or on polyethylene sheeting and covered so that the contamination is not flushed back onto the ground during a rainstorm.

6. **Contaminated Material Disposal:** Proper disposal of waste materials depends partly on the type of contaminant. Hazardous wastes (such as flammable petroleum products and solvents, thinners) and materials contaminated with hazardous wastes, are considered regulated wastes, and should be containerized for transport and disposal by a permitted company. Disposal also depends on the amount of contaminant. For information on testing of contaminated soil and disposal options contact Environmental Safety Office.

A. **SPILL AND COMPLAINT RESPONSE PROGRAM**

2. The University's Environmental Safety Office has a program to enforce water quality regulations and assist you in compliance with those regulations. The Environmental Safety staff respond to hazardous materials spills and spills which threaten surface water quality, within the Midwestern State University campus. Investigations are conducted to determine compliance with environmental laws and regulations and ensure corrective actions are taken when necessary. Strictly prohibited are discharges of any material or substance that will or might cause pollution to surface waters. Staff has special training in hazardous materials response and spill clean-up regulations. For information on spill clean-up requirements and other regulations call (940)-397-4827.

4. **Contractor Requirements and Responsibilities:** The contractor shall maintain a legible copy of a current Material Safety Data Sheet (MSDS) for each chemical brought to the site. MSDS(s) shall be readily available, on request, for review by University personnel.
6. Contractors are responsible for cleaning and properly disposing of all spilled pollutants that the contractor brought to the site, including oil, paint, fuels, antifreeze, solvents, etc. The contractor should keep accurate records (such as receipts, copies of analytical results, etc.) indicating proper disposal of spilled materials. Furthermore, the contractor is responsible for ensuring that all discharges from the site are in compliance with all applicable regulations.

8. In general no substance should be dumped or leaked onto the ground or allowed to run-off of a construction site that might cause pollution. Be aware that the contractor is responsible for pollutant-contaminated run-off and proper disposal of all waste materials generated as a result of the contractor or sub-contractor's activities.

A. ASBESTOS CONTAINING MATERIALS

2. Before beginning work in any MSU campus buildings, the contractor shall verify that no asbestos containing or suspect asbestos-containing materials will be damaged or disturbed during any portion of the work to be performed. This can be verified through MSU Environmental Safety Office. If the contractor incidentally damages or disturbs asbestos containing or suspect asbestos containing materials during any portion of the work, the contractor shall immediately stop work in that area, restrict access to the area, and contact the Environmental Safety Office immediately at (940) 397-4827.

4. Contractors conducting construction, renovations or installation of materials or equipment shall not install or cause to be installed any material or component that contains asbestos fibers. In the event that a suitable asbestos-free material can not be found for the required application, special authorization must be granted by Midwestern State University prior to the installation of said material. Appropriate documentation will be submitted to the MSU Environmental Safety Coordinator for record keeping and inventory purposes within 5 business days of the installation. Appropriate handling and installation procedures will be followed.

6. All contractors that install items or materials into MSU campus buildings or facilities are required to submit a signed affidavit stating that asbestos containing materials were or were not used or installed as part of their work.

A. INDOOR AIR QUALITY

Contractors are advised that they are to take the following steps to insure the Indoor Air Quality of adjacent buildings or adjacent areas of the building is not negatively affected during the renovation or construction project.

- Interior Construction Area in an occupied building: The construction area should always be in negative air pressure relative to the surrounding areas of the building. Use temporary work site exhaust fans and seal off all connecting doorways, hallways, return ducts, fire dampers, etc. Exhaust airflow rates should be increased during the use of solvent-based materials or materials that generate dust, fumes, smoke, mist, odors or airborne particles. The use of solvent-based materials should be scheduled for low building occupancy times. The enclosure and exhaust system is to be in place prior to any demolition activities. As much as possible, all air from the work area will be exhausted to the exterior of the building to a point that is not adjacent to the fresh air intakes of the building or adjacent buildings.

- Notify the Physical Plant office and the Environmental Safety Office prior to the start of any activity.

- After all work has been completed, the newly renovated areas should be "flushed out" for at least two days with as much fresh air ventilation as possible, before occupants move in.

- If the newly renovated area has a new HVAC system, the engineer and contractor will provide to the Owner, all HVAC equipment maintenance manuals, the start-up and air balance report with ventilation rates, and a written description of the temperature control "sequence of operation".

- Activities in relation to the exterior of buildings will be conducted in a manner that directs all dust, fumes, smoke, mist, odors and airborne particles away from the buildings as much as possible. At no time may any of the before mentioned air contaminates be directed toward the fresh air intake of a building. The Contractor will utilize emission reduction techniques to reduce negative effects to the indoor air quality of all University facilities.

Noncompliance with Safety and Health Requirements

If during the course of the contract, OES personnel note any situations of non-compliance with the contractor's safety and health plan or MSU safety and health requirements, OES personnel will bring them to the attention of the Project Officer and the Contracting Officer verbally and will immediately follow-up in writing. Failure to correct the violation
or continued violations shall be grounds for termination of the contract.

If after notifying the Project Officer and Contracting Officer in writing of deficiencies in any health, safety, or environmental requirements, OES personnel find continued violations of those requirements, or find actions that pose an imminent danger, an immediate order to stop work will be issued. Should this occur, OES personnel will bring the matter to the immediate attention of the Project Officer, Contracting Officer, and the Director, OES. Such violations may result in the default of the contract.

OES personnel will document with a memo to file all violations brought to the attention of the contractor, Project Officer, Contracting Officer, and the Vice President of Business Affairs.

**Safety Training**

The contractor must ensure that its employees have completed appropriate health and safety training when required by statute/regulation and MSU requirements and provide documentation of such training when required by the contract.

**Medical Clearance**

The contractor must ensure that its employees have appropriate medical clearance when required either by governmental regulations or by MSU requirements. Copies of medical clearance for contractor personnel are required to be presented as specified by the contract.

The Project Officer and the Office of Environmental Safety shall, if additional medical requirements (i.e., Blood serum samples, immunizations) are required for contractor personnel prior to the start of work.

**Incident Reporting And Notification**

The Office of Health and Safety will participate with contractors in the investigations of incidents resulting in injury/illness and/or damage or loss of MSU property and also near misses.

The Environmental Safety Office shall be notified immediately in case of:

- Any spill that threatens to enter a storm sewer or watercourse.
- All petroleum spills, e.g. hydraulic fluid, transmission fluid, diesel, gasoline, etc.
- Any hazardous or unknown material spill, e.g. many solvents, cleaners, etc.
- Any discharge from your site which you suspect may be in violation of City Code or state regulations, e.g. discharges which are cloudy, foul smelling, colored, contain chemicals or heavy sediment loads.
- Contact with asbestos containing or suspect asbestos-containing materials.
- Work activities that negatively impact Indoor Air Quality in buildings where renovation or construction is being conducted or adjacent areas.

**CONTACT NUMBERS:**

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Safety and Personal Protective Equipment

Unless otherwise specified, the contractor is responsible for providing all necessary safety and personal protective equipment needed by its employees. This equipment must meet appropriate OSHA and ANSI approval requirements and be in good working order.

The contractor shall ensure that its employees have received appropriate training on the use and maintenance of safety and personal protective equipment prior to its use. Failure to correctly use appropriate safety equipment is a violation of the contract and may result in default of the contract.

Documentation

The contractor must provide MSU with documentation of all required training, medical exams, permits, material safety data sheets (MSDS), etc., for his or her employees or operations at the pre-construction meeting.