



OKC Thunder Arena Project Partnering Agreement

Between

**Occupational Safety & Health Administration
Oklahoma City Area Office,**

**Oklahoma Department of Labor – OSHA
Consultation**

And

Flintco/Mortenson JV



BACKGROUND/IDENTIFICATION OF PARTNERS AND SITE

A. Background

Flintco/Mortenson is the Construction Manager for the OKC Thunder Arena located in Oklahoma City, Oklahoma (the “Project”).

The Oklahoma City Area Office of the Occupational Safety and Health Administration (OSHA); Flintco/Mortenson; Oklahoma Department of Labor (ODOL) – OSHA Consultation; project subcontractors; and labor organizations recognize the need for a safe and healthy jobsite. The goal of the partnership formed by this Partnering Agreement (“Partnership”) is to help ensure that an injury-free safety culture is established, creating a safe environment for all workers, staff, the public and visitors of the Project.

This Partnership is designed to not only address the hazards within the construction industry, but also to promote and recognize jobsites that demonstrate an effective safety and health program.

This document will serve to establish a cooperative effort in ensuring safety and maintaining an open line of communication between OSHA, ODOL – OSHA Consultation, Flintco/Mortenson, Flintco/Mortenson subcontractors (“Trade Subcontractors”) and labor organizations on this Project.

Specifications and assignments within this Partnership document do not relieve the contractors from or lessen their safety & health responsibilities, nor change any contractual obligations between Flintco/Mortenson, The City of Oklahoma City, the Oklahoma City Public Property Authority, or any Trade Subcontractors. Nor does it take away any defenses, legal rights, or due process rights afforded by contractors with respect to Agency enforcement action.

B. Project Description

The new arena will be the premier facility in OKC to host the NBA Thunder basketball franchise. Plans call for a modern arena with numerous seating configurations with premium amenities such as suites, and several upscale concession areas. The new arena will provide first-class experience(s).

The new OKC Thunder Arena will be located at 125 W. Reno, Oklahoma City, OK 73102.

The construction of the Project is scheduled to begin in April of 2026 with an approximate construction duration of 28 months.

C. Identification of Partnership Organizations (“Partners”)

Flintco/Mortenson
Project Trade Subcontractors
OSHA – Oklahoma City Office
ODOL – OSHA Consultation

Pledge Support for the Partnership

I. PURPOSE AND SCOPE

The goal of this Partnering Agreement (“Agreement”) is to help ensure the Project will be a safe and healthy work environment for all workers, staff, the public, employees and visitors. The Partners wish for the Project to set an example for future projects to come within the Oklahoma City area.

OSHA has identified the top four causes of fatalities in construction, which are: falls, being struck by equipment or machinery and falling objects, electrocution, and being caught-in-between equipment or materials. Flintco/Mortenson has added an additional focus hazard of overexertion and ergonomic hazards that will be identified, corrected and tracked throughout the Project in an effort to prevent injuries. Flintco/Mortenson calls this the “**Focus 5**”.

II. GOALS, STRATEGIES, AND MEASURES

The overall goal for this Partnership is to create an injury-free safety culture, promote effective safety management systems, and to train and educate regarding job hazard recognition, hazard controls, self-inspection practices, abatement efforts, accountability measures and cooperative attitudes among all partners resulting in the prevention of injuries, illnesses, and incidents on the Project.

Goals	Strategies	Performance Measures
Zero injuries and illnesses on the Project; Project injury/illness data below the current Bureau of Labor Statistics (BLS) National Average for NAICS 23 (all of construction).	Implementation of comprehensive safety and health management system for the site Provide a cool down area when temperatures exceed 85 degrees (F) as well as a heating area in the winter months.	Proactive safety metrics – Behavior based safety observations, weekly safety audits, near miss reporting, and education/training. The Project’s injury and illness data- Total Case Incident Rate (TCIR); Days Away, Restricted or Transferred (DART) Rate; Days Away From Work (DAFW) Rate will be tracked through Procore and compared with the most current BLS published data for NAICS 23 for each year. The Project’s injury and illness data will be also compared to the baseline. A sign-in sheet will be maintained at the cool down area to evaluate the usefulness of this area.
Developing a Flintco/Mortenson government partnership that will encourage involvement by the owner, construction manager and subcontractors in the improvement of safety and health performance.	Require regular involvement by Flintco/Mortenson and Trade subcontractors in the oversight of and improvement of Safety and Health performance through completion of the Project. Review of site-specific safety plans Preconstruction meetings with significant emphasis on safety to include Identifying Safety and Health professionals for contractors and subcontractors.	Verify by reviewing the number of subcontractors that have implemented and/or improved written safety and health management systems. Subcontractors will meet Safety submittal requirements, including a written safety program that meets or exceeds Flintco/Mortenson’s Health and Safety program.
Implementing innovative strategies to eliminate serious incidents, including the four primary construction hazards (falls, struck-by, caught in, and electrical), and ergonomic hazards	Provide all employees site-specific safety orientation in English and Spanish. Implement, track and enforce an ongoing site safety audit program (to include monthly site walk through with contractors and sub-contractors.)	Document the number of hazards identified and abated during the safety audits, including ergonomic hazards. JHA’s required with all Installation Work Packages (IWP’s). Tracking of completed JHA’s and Pre-Task planning conversations will be accomplished through SmartTagIt.

Goals	Strategies	Performance Measures
	Perform daily stretch and bend with all crews on the Project. Perform daily pre-task planning conversations by all crews on the job site. Create applicable safety awareness initiatives to help maintain focus on key areas. Perform incident investigation for significant injuries and high learning value events. Require Job Hazard Analysis or Pre-Task Plan for every activity on site prior to the start of work on that activity. Hold Weekly toolbox meetings by crew. Conduct daily Pre-Task huddle meetings in the field. Develop and hold monthly personal, important, and relevant training of pertinent hazards. Produce a Final Project Report. Track positive observations. Include Onsite Medic Resources	Document weekly toolbox meetings with sign in sheets. Track observations of subcontractor representatives in the daily meetings. Share lessons learned from other projects with the project team, which will be accomplished through weekly Safety call by Project staff. This information will be part of the Site safety meeting held weekly. Post relevant and current safety information in the form of weekly companywide Flintco/Mortenson Safety Blasts in common areas. Report on performance through publishing of all Performance Measures tracked on the Project. Track hazards by Onsite Hazard Recognition Reporting Program (See It, Own It, Text It) An onsite medic will be onsite ensuring we are encouraging a strong reporting culture to all incidents Develop monthly safety committee (One Voice) with representatives from each trade partner and lead by project leadership.

Goals	Strategies	Performance Measures
Provide for worker/union representation involvement	Provide worker/union representation involvement in weekly site safety meetings; site safety walkarounds.	Document the number of workers/union representatives involved in weekly site safety meetings; and site safety walkarounds.
	Schedule On-Site OSHA Consultation visits Quarterly	Track number of employees and subcontractors on site during visits along with Number of hazards Identified and corrected. Trade partners will be encouraged to participate in consultation site visits.

A. The overall success of the Partnership will be measured as follows:

1. The annual and total project aggregate TCIR, DART and DAFW Rates will be compared to the most currently published Bureau of Labor (BLS) National Average rates for construction (NAICS 23), with zero fatalities. The BLS 2024 rates for NAICS 23 are 2.2, 0.4 and 0.9, respectively, for TCIR, DART and DAFW, and will serve as the baseline for the Partnership.
2. Project Injury/Illness data will be evaluated for trends in injuries and near misses from year to year. Partners will seek to establish a Zero incident rate on the Project whereby it is understood that nearly all incidents are linked to human decision-making and therefore preventable when the proper considerations, assessments, controls, and decisions are made. Such attitudes and efforts will achieve accident and injury rates well below the latest published BLS national average (20124for the construction industry, NAICS 23.
3. Documented jobsite weekly inspections and observations, with an emphasis on hazard identification and remediation, and tracking the total number of hazards identified and corrected.
4. Records of training certifications/training rosters will be maintained. Report the total number of people trained. These may include, but not be limited to, OSHA 10- and 30-hour courses as well as the site orientation and other on-site training.
5. Evaluate the effectiveness of the 100% Fall Protection Plan, through the number of plans implemented and/or improved. Additional measurements of effectiveness may include injury/illness records and near misses for falls.
6. Safety and Health Programs will be maintained by Flintco/Mortenson. Reports to be made available quarterly, concerning the general effectiveness of the safety and health programs. Copies will be made available to all members of the Partnership for review.
7. Monthly “dashboard” reviews of key performance indicators and applicable metrics. This will be presented, upon request, to the City of Oklahoma City, OSHA Oklahoma Area Office, and ODOL – OSHA Consultation.

III. ANNUAL EVALUATION

The Partnership will be evaluated quarterly and will include data used to monitor the success of the Partnership efforts. On a quarterly basis, the Executive Committee comprised of Flintco/Mortenson's Project Director and Safety Manager, appointed Safety Representatives from our Partnership members, a representative from Trade Subcontractors, a representative from ODOL – OSHA Consultation, and a representative from OSHA shall meet and discuss the program and make any modifications as required to continually improve the Partnership. When an OSHA representative attends these meetings, the meeting will serve as an on-site non-enforcement verification visit by OSHA. A written evaluation will be completed annually and submitted to the Oklahoma City Area Office.

IV. OSHA STRATEGIC PARTNERSHIP (OSP) BENEFITS/INCENTIVES

Participant benefits from OSHA may include:

- A. Any violation observed during an OSHA inspection visit shall not be cited if it is immediately abated during the inspection.
- B. Priority will be given to “phone and fax” investigations of all informal complaints in lieu of on-site inspections.
- C. This Partnership requires frequent inspections of the worksite by Flintco/Mortenson, Trade Subcontractors, and other members of the Partnership to identify and correct hazards. It also serves as a model for trade partners and others by demonstrating how to implement a strong safety and health program on a large multi-employer job site. It also encourages a higher level of participation in the safety process by involving everyone on the job site. The knowledge gained from this Partnership will be applied to reduce injuries and illnesses at future work sites.
- D. OSHA Consultation will be available for consultation and job walks upon requests of Flintco/Mortenson or Trade Subcontractors. Flintco/Mortenson will participate quarterly, and it is required that all Trade Subcontractors participate as available quarterly.

V. OSHA INSPECTIONS/VERIFICATIONS

- A. OSHA will continue to investigate fatalities and catastrophes should they occur at the jobsite as well as alleged “imminent” danger situations per the FOM.
- B. OSHA will continue to investigate all complaints and referrals received in accordance with procedures contained in the FOM.
- C. **On-site non-enforcement verification visits** will be performed by OSHA representatives, by participating in the quarterly Executive Safety Committee meetings.
- D. Flintco/Mortenson and trade partners will periodically utilize ODOL - OSHA Consultation's on-site safety and health consultations at the jobsite. Flintco/Mortenson will participate

quarterly in said consultations, and it is required that all trade partners participate as available quarterly.

VI. OSP MANAGEMENT AND OPERATIONS

Each Trade Subcontractor and their respective lower-tier subcontractors (collectively, “Subcontractors”) with 50 or more employees working on the Project at one time will be required to have a full-time safety person focused only on safety and will designate an employee to attend on-site Project safety steering team committee meetings. The steering team will be comprised of the field personnel that each respective subcontractor designates and will meet during daily huddles to cover relevant safety issues/topics for the day. The Project Safety Representative for each Subcontractor will participate within the committee and will attend a general meeting at least quarterly to evaluate the progress of the Partnership. Subcontractors with less than 25 employees shall identify an individual who is responsible for safety requirements and issues associated with and/or affecting Subcontractor work activities. Subcontractors with 25 employees or more shall identify a Site Safety Representative, who is on site whenever any Subcontractor's work activities are taking place.

The Project Safety Committee, which is comprised of Flintco/Mortenson project personnel and Trade Subcontractor safety representatives, will review the completed and summarized safety inspections, observations reported, near misses, injury and illness data of the site as part of the quarterly meeting. Identified hazards, abatement and best management practices will be discussed. OSHA may provide a representative to share current issues in construction risk control and provide input for improvement.

A. Flintco/Mortenson:

Flintco/Mortenson will take the lead role in administering the Project specific safety program for the Project. Flintco/Mortenson will ensure implementation of the following:

1. Implement a comprehensive safety and health program, which includes:
 - a. Management commitment and employee involvement
 - b. Worksite analysis
 - c. Hazard control
 - d. Arrange training assistance for all Subcontractors on-site.
 - e. Require Trade Subcontractors to implement an appropriate Disciplinary Program for safety rule violations.
2. All Subcontractors shall have an effective safety program in place and a copy of their company’s written safety and health program, and site-specific safety plan submitted and approved by Flintco/Mortenson before the start of any on-site work. These programs, in addition to the Site-Specific Safety Plan established for the Project, will establish policy guidelines and behavioral expectations for the Project.
3. Have the authority to enforce safety rules and regulations. This authority will include provisions to hold Subcontractors and employees accountable and, if necessary, take appropriate action to ensure compliance with the established Project safety rules and regulations. A disciplinary action plan will be strictly enforced for those not complying

with Flintco/Mortenson safety policies, rules, and practices.

4. Work scope planning will take into consideration any exposures that the construction activity may create for workers, the public and visitors.
5. Where airborne silica exposure exists, Flintco/Mortenson will require the use of wet cutting techniques and/or dust collection systems in addition to the appropriate use of approved respiratory protection where warranted. Comply with Table-1 of the OSHA respirable crystalline Silica in construction regulation (1926.1153).
6. 100% fall protection is required whenever working at 6' or higher. Use of conventional fall protection methods will be employed (i.e. personal fall arrest / restraint systems, or guardrail systems) when performing all work that is at 6' or higher. This includes steel erection, roofing (other than roofing work within a properly erected six-foot perimeter warning line system), and other leading edge construction operations even when it may exceed OSHA requirements.
7. Guardrails or fall protection must be employed on all scaffolding over six feet.
8. Flintco/Mortenson and Trade Subcontractors routinely evaluate the effectiveness of the Fall Protection Plan and will take corrective action as needed. Information will be based off observations and deficiencies made in Procore in relation to fall protection.
9. Ground Fault Circuit Interrupters (GFCI) will be utilized at the power source throughout the project.
10. Back up alarms and fire extinguishers shall be present on all equipment other than pickup trucks.
11. OSHA-required trench and excavation protection shall be enforced along with an excavation permit for excavations/trenches 4' or deeper.
12. All workers, management and visitors shall wear ANSI approved type II helmets, ANSI approved safety glasses with side-shields, cut level 3 gloves, work boots, and high visibility vests or clothing at all times while on site. (Exception shall be inside the isolated on-site management offices or designated break areas.)
13. Cranes and associated operations: All crane operators working on the site, whether by subcontract, or provided as part of a lease or rental agreement, shall be qualified and trained in crane safety. Appropriate training shall be verified by Flintco/Mortenson before crane operation is permitted on the worksite. People performing rigging duties and crane signaling will be required to verify that proper training has been completed.
14. 100% tagline policy will be enforced with the lifting of all crane loads.
15. A proactive integrated project safety inspection protocol will be implemented to increase reporting of hazards and near-miss incidents. Multiple weekly site safety inspections will be documented by project management, site supervision, and project safety management.

16. Compile and maintain injury and illness data and make the data compilations available to all Partners, including OSHA. In addition, Trade Subcontractor's Experience Modification Rates (EMR) will be made available to OSHA upon request.
17. Review quarterly injury/incident reports with the Safety Committee including first aid and near miss reports.
18. As a goal, the elimination of work-related injuries from inadequate planning and execution by ensuring key job hazards are identified and controlled. Conduct and retain summary documentation of weekly toolbox talks and Jobsite Safety Analysis (JHA).
19. Housekeeping initiatives will be introduced to maintain orderly storage of materials and removal of workplace trash and debris:
 - a. Eating, drinking and consumption of food products will only be allowed within designated controlled areas of the project site.
 - b. All trash and waste shall be removed and placed in appropriately provided receptacles.
 - c. Trade Subcontractors will maintain an adequate number of trash containers throughout the floors and areas of construction. All trash will be moved into dumpsters provided at one location on site by Flintco/Mortenson.
 - d. Project has adopted a continuous clean-up strategy whereby trade partners are to remove construction debris closely following work activity. Nails and screws are to be bent over or retracted following form stripping operations.
 - e. Access to work areas, ladders, stairs, buck hoist, and storage areas are to remain free and clear of obstructions.
 - f. Methods to control dust will be employed whenever possible (e.g. Wet/dry vacuums, misting, damp wiping, covering / tarping of materials, dust reducing sweeping compounds, etc....)
 - g. Spills and loose materials that pose potential slip hazards are to be cleaned up immediately.
 - h. Tools, equipment, and materials are to be brought and stored only when they are needed and removed from site when no longer required.
 - i. Loose materials are to be contained, stacked, racked and otherwise kept in an orderly condition.
 - j. Fire Extinguishers will be provided by Trade Subcontractors for their scope of work.
 - k. Flammable storage cabinets are to be provided by trade partners for all aerosols, and flammable liquids maintained within the building structure (Most job/toolboxes are not approved for this use).
 - l. Material shall be secured to eliminate the possibility of accidental displacement due to impending inclement weather.
20. Employee training and safety meetings:
 - a. All Flintco/Mortenson employees working at the Project will receive a site-specific safety orientation from Flintco/Mortenson covering jobsite safety and health issues and procedures relative to the work being performed. A copy of the Project Safety and Health Work Rules will be provided, and signature pages maintained on file.

- b. Daily pre-task hazard prevention planning will be conducted by all crews. This planning, hazard recognition, and determination of controls will be documented daily on SmartTagIt. Pre-Planning conversations will be available in the field for review and periodically audited by the Flintco/Mortenson management and Project safety staff.
 - c. Daily “Stretch and Bend” sessions will be conducted at the start of each day.
 - d. Weekly safety meetings will be held by Flintco/Mortenson with each/Mortenson Trade Subcontractor and documentation will be maintained in the Flintco/Mortenson Project office.
 - e. Periodic job-wide safety meetings will be held and various guest speakers including OSHA, Flintco/Mortenson, Manufacturer Reps, Vendors, and Trade Subcontractor Supervision and Safety Personnel will be invited to participate. When an OSHA representative attends these meetings, the meeting will serve as an on-site non-enforcement verification visit by OSHA.
 - f. To help keep safety awareness at peak levels, safety commitment banners, warning signs, safety reminder signs will be strategically placed around the job site.
 - g. Additional craft specific hazard recognition education sessions will be conducted on as-needed basis by the respective trade partners through weekly toolbox talks.
21. Provide signage identifying the site as an OSHA Partnership Project.
22. In addition to OSHA’s severe injury notification requirements, Flintco/Mortenson will notify the local OSHA office of safety or health related events, which are likely to generate public attention and/or news media coverage. This notification will be provided in a timely manner and will include sufficient background and incident information for responding to agency and public inquiries.
23. Another goal of the Partnership is to create a working relationship between the OSHA Oklahoma Area Office, ODOL – OSHA Consultation and the other Partnership members. OSHA’s technical resources capability may facilitate greater understanding of issues and enhance effective prevention and control efforts. Flintco/Mortenson will utilize quarterly consultations from ODOL – OSHA Consultation.
24. Establish a Project Safety Committee (One Voice) with participation from Project management, safety personnel and labor to review safety goals and objectives, audit safety performance of Flintco/Mortenson and all Subcontractors, address the effectiveness of the project safety program, and make recommendations to improve on identified weakness in the safety management system.

B. Trade Subcontractors:

1. Appoint an on-site person to act as a Safety representative to resolve jobsite safety

matters and be the liaison to the Flintco/Mortenson Safety Manager.

2. Conduct daily pre-task planning using SmartTagIt.
3. Participate in the daily stretch and bend program.
4. Conduct and document scheduled job site safety inspections weekly for those employees under their control. This is in addition to the general, on-scheduled, non-documented inspections that should occur daily. Findings will be documented through Procore and communicated during morning supervisor meeting.
5. Conduct all applicable equipment and vehicle inspections.
6. Conduct and document jobsite safety meetings and make them available to Flintco/Mortenson.
7. The Trade Subcontractor shall provide communication directly to Flintco/Mortenson immediately if any injury, near miss, or unsafe condition has been identified.
8. Will participate in the Positive Notification System for near misses, solutions, or ideas to enhance jobsite safety. Trade Subcontractors will receive positive observations through Procore and recognized in weekly safety meetings.
9. This Partnership does not preclude employees and/or employers from exercising any right provided under the OSH Act, nor does it abrogate any responsibility to comply with the Act.

C. OSHA & ODOL:

1. OSHA may participate in the quarterly Safety Committee meetings but will not participate in the weekly walk-around inspections. OSHA's participation in these quarterly meetings will serve as an on-site non-enforcement verification visit.
2. Compliance Assistant Personnel from the OSHA Oklahoma Area Office and ODOL – OSHA Consultation may aid with on-site and off-site safety and health training.
3. Give priority to the site when technical assistance is needed.
4. Audit the quarterly reports and make recommendations for improvement in meeting the Partnership Goals.
5. Review Partnership company safety and health programs, along with trade partners as necessary, and provide technical assistance and recommendations for improvement.
6. Provide national statistics covering all areas of standards enforcement for distribution to the Partners.

VII. WORKER INVOLVEMENT - WORKER AND EMPLOYER RIGHTS

This Partnership does not preclude employees and/or employers from exercising any right provided under the OSH Act (the Act), nor does it abrogate any responsibilities of the Partnership participants to comply with rules and regulations adopted pursuant to the Act.

Flintco/Mortenson will ensure employee involvement by establishing an employee Safety Committee (One Voice) that will meet on a monthly basis to share the results of jobsite inspections, information concerning accidents and near misses, suggestions for improvement and recommendations for training for the general workforce. The Partnership members' management and supervisors will also continue to discuss near misses and daily safety audits during toolbox talks.

VIII. TERM OF PARTNERSHIP

This Agreement shall be in effect until completion of the site and building construction activities, but in no case longer than three-years from the date the Agreement is signed.

Should any signatory of this Agreement elect to withdraw from the Partnership, the signatory will notify the other signatories in writing of its intent to withdraw. If OSHA chooses to withdraw its participation in the Partnership, the entire Agreement will be terminated upon such withdrawal.

For non-signatory Partners (Trade Subcontractors) of the Partnership, OSHA or Flintco/Mortenson may terminate the participant's involvement at any time with written notice. Additionally, such non-signatory Partners may withdraw their participation from the Partnership at any time by providing thirty (30) days' written notice to the signatories.

**United States Department of Labor
Occupational Safety & Health
Administration**

Based upon a mutual interest in protecting construction workers in Oklahoma, the Parties below agree to the above terms of the Flintco/Mortenson, OSHA Partnering Agreement for the OKC Thunder Arena.

Signed this ____ day of _____ 2026

Principal Participants:

Carmen M. Martinez
Area Director
OSHA Oklahoma City Area Office

Kirk Mammen
Vice President / Area Manager
Flintco, LLC

Leslie Osborn
Oklahoma Commissioner of Labor
ODOL - OSHA Consultation

Kevin Dalager
Vice President Operation
M.A. Mortenson Company