

PORT EVERGLADES FRANCHISE APPLICATION

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PORT EVERGLADES DEPT
BUSINESS DEVELOPMENT

2017 APR 26 AM 8:17

An application will not be deemed completed and processed until all required documents and fees are received.
A separate application must be filed for each type of franchise Applicant wishes to apply for.

- CHECK ONE
- STEAMSHIP AGENT STEVEDORE
 - CARGO HANDLER TUGBOAT & TOWING
 - VESSEL BUNKERING VESSEL OILY WASTE REMOVAL
 - VESSEL SANITARY WASTE WATER REMOVAL

Note: Applicant is defined as the legal entity applying for the franchise. All information contained in this application shall apply only to the Applicant, not to any parent, affiliate, or subsidiary entities.

Applicant's

Name Port Contractors - Southeast, LLC
(Name as it appears on the certificate of incorporation, charter, by-laws, or other official document)

Applicant's Business Address 529 Terminal Ave New Castle, DE 19720
Number / Street City/State/Zip

Phone # (302) 655-7300 E-mail address tbeckel @ portcontractors.com

Fax #: (302-~~6~~58-4075

**Name of the person authorized to bind the Applicant
(This person's signature must appear on Page 10.)**

Name Michael Evanko

Title President

Business Address 529 Terminal Ave New Castle, DE 19720
Number / Street City/State/Zip

Phone # (302) 655-7300 E-mail address mevanko @ portcontractors.com

Fax #: (302) 658-4075

Provide the Name and Contact Information of Applicant's Representative to whom questions about this application are to be directed: (if different from the person authorized to bind the Applicant)

Representative's Name Tim Beckel

Representative's Title Risk Management and Compliance Manager

Representative's Business Address 529 Terminal Ave New Castle, DE 19720
Number / Street City/State/Zip

Representative's Phone # (302) 655-7300

Representative's E-mail address tbeckel @portcontractors.com

Representative's Fax #: (302) 658-4075

PLEASE COMPLETE THIS APPLICATION AND LABEL ALL REQUIRED BACKUP DOCUMENTATION TO CLEARLY IDENTIFY THE SECTION OF THE APPLICATION TO WHICH THE DOCUMENTATION APPLIES (I.E., SECTION A, B, C, etc.).

Section A

1. List the name(s) of Applicant's officers including CEO, COO, CFO, director(s), member(s), partner(s), shareholder(s), principal(s), employee(s), agents, and local representative(s) active in the management of the Applicant.

Officers:

Title President
First Name Michael Middle Name _____
Last Name Evanko
Business Street Address 529 Terminal Ave
City, State, Zip Code New Castle, DE, 19720
Phone Number (302) 655-7300 Fax Number (302) 658-4075
Email Address mevanko @ portcontractors.com .

Title _____
First Name _____ Middle Name _____
Last Name _____
Business Street Address _____
City, State, Zip Code _____
Phone Number () _____ Fax Number () _____
Email Address _____ @ _____ .

Title _____
First Name _____ Middle Name _____
Last Name _____
Business Street Address _____
City, State, Zip Code _____
Phone Number () _____ Fax Number () _____
Email Address _____ @ _____ .

Title _____
First Name _____ Middle Name _____
Last Name _____
Business Street Address _____
City, State, Zip Code _____
Phone Number () _____ Fax Number () _____
Email Address _____ @ _____ .

Attach additional sheets if necessary.

2. RESUMES: Provide a resume for each officer, director, member, partner, shareholder, principal, employee, agent, and local representative(s) active in the management of the Applicant, as listed above. NOTE: Other management, labor and back office functions provided by Applicant's sister companies from time to time on an as needed basis.

Section B

1. Place checkmark to describe the Applicant:
() Sole Proprietorship () Corporation () Partnership () Joint Venture (x) Limited Liability Company
2. Provide copies of the documents filed at the time the Applicant was formed including Articles of Incorporation (if a corporation); Articles of Organization (if an LLC); or Certificate of Limited Partnership or Limited Liability Limited Partnership (if a partnership). If the Applicant was not formed in the State of Florida, provide a copy of the documents demonstrating that the Applicant is authorized to conduct business in the State of Florida.

Section C

1. Has there been any change in the ownership of the Applicant within the last five (5) years? (e.g., any transfer of interest to another party)
Yes___ No X If "Yes," please provide details in the space provided. Attach additional sheets if necessary.
2. Has there been any name change of the Applicant or has the Applicant operated under a different name within the last five (5) years?
Yes___ No X If "Yes," please provide details in the space provided, including: Prior name(s) and Date of name change(s) filed with the State of Florida's Division of Corporations or other applicable state agency. Attach additional sheets if necessary.
3. Has there been any change in the officers, directors, executives, partners, shareholders, or members of the Applicant within the past five (5) years?
Yes___ No X If "Yes," please provide details in the space provided, including:
Prior officers, directors, executives, partners, shareholders, members
Name(s) _____
New officers, directors, executives, partners, shareholders, members
Name(s) _____
Also supply documentation evidencing the changes including resolution or minutes appointing new officers, list of new principals with titles and contact information, and effective date of changes. Attach additional sheets if necessary.

Section D

Provide copies of all fictitious name registrations filed by the Applicant with the State of Florida's Division of Corporations or other State agencies. If none, indicate "None" None.

Section E

1. Has the Applicant acquired another business entity within the last five (5) years?
Yes ___ No X If "Yes," please provide the full legal name of any business entity which the Applicant acquired during the last five (5) years which engaged in a similar business activity as the business activity which is the subject of this Port Everglades Franchise Application.
If none, indicate "None" None.

2. Indicate in the space provided the date of the acquisition and whether the acquisition was by a stock purchase or asset purchase and whether the Applicant herein is relying on the background and history of the acquired firm's officers, managers, employees and/or the acquired firm's business reputation in the industry to describe the Applicant's experience or previous business history. Attach additional sheets if necessary.

N/A

3. Has the Applicant been acquired by another business entity within the last five (5) years?
Yes ___ No X If "Yes," provide the full legal name of any business entity which acquired the Applicant during the last five (5) years which engaged in a similar business activity as the business activity which is the subject of this Port Everglades Franchise Application.
If none, indicate "None" None.

4. Indicate in the space provided the date of the acquisition and whether the acquisition was by a stock purchase or asset purchase and whether the Applicant herein is relying on the background and history of the parent firm's officers, managers, employees and/or the parent firm's business reputation in the industry to describe the Applicant's experience or previous business history. Attach additional sheets if necessary.

N/A

Section F

Provide the Applicant's previous business history, including length of time in the same or similar business activities as planned at Port Everglades.

Applicant has provided Steamship Agency services at Port Everglades (and other Ports in the State of Florida) since at least August 30, 2012.

Section G

1. Provide a list of the Applicant's current managerial employees, including supervisors, superintendents, and forepersons. Dennis Moro
2. List the previous work history/experience of the Applicant's current managerial employees, including their active involvement in seaports and length of time in the same or similar business activities as planned at Port Everglades.

Section H

List all seaports, including Port Everglades (if application is for renewal), where the Applicant is currently performing the services/operation which is the subject of this Franchise application. Use this form for each seaport listed. Photocopy additional pages as needed (one page for each seaport listed).

If none, state "None" _____.

Seaport Port Everglades Number of Years Operating at this Seaport 5

List below all of the Applicant's Clients for which it provides services at the seaport listed above.

Client Name (Company)	Number of Years Applicant has Provided Services to this Client

Section H

List all seaports, including Port Everglades (if application is for renewal), where the Applicant is currently performing the services/operation which is the subject of this Franchise application. **Use this form for each seaport listed. Photocopy additional pages as needed (one page for each seaport listed).**

If none, state "None" _____.

Seaport Port of Palm Beach Number of Years Operating at this Seaport 6

List below all of the Applicant's Clients for which it provides services at the seaport listed above.

Client Name (Company)	Number of Years Applicant has Provided Services to this Client

Section H

List all seaports, including Port Everglades (if application is for renewal), where the Applicant is currently performing the services/operation which is the subject of this Franchise application. **Use this form for each seaport listed. Photocopy additional pages as needed (one page for each seaport listed).**

If none, state "None" _____.

Seaport Port Canaveral Number of Years Operating at this Seaport 5

List below all of the Applicant's Clients for which it provides services at the seaport listed above.

Client Name (Company)	Number of Years Applicant has Provided Services to this Client

Section I

1. Provide a description of all past (within the last five (5) years) and pending litigation and legal claims where the Applicant is a named party, whether in the State of Florida or in another jurisdiction, involving allegations that Applicant has violated or otherwise failed to comply with environmental laws, rules, or regulations or committed a public entity crime as defined by Chapter 287, Florida Statutes, or theft-related crime such as fraud, bribery, smuggling, embezzlement or misappropriation of funds or acts of moral turpitude, meaning conduct or acts that tend to degrade persons in society or ridicule public morals.

The description must include all of the following:

- a) The case title and docket number
- b) The name and location of the court before which it is pending or was heard
- c) The identification of all parties to the litigation
- d) General nature of all claims being made

If none, indicate "None" None.

2. Indicate whether in the last five (5) years the Applicant or an officer, director, executive, partner, or a shareholder, employee or agent who is or was (during the time period in which the illegal conduct or activity took place) active in the management of the Applicant was charged, indicted, found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of a plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Chapter 287, Florida Statutes, as amended from time to time, or (2) is customarily considered to be a white-collar crime or theft-related crime such as fraud, smuggling, bribery, embezzlement, or misappropriation of funds, etc. or (3) results in a felony conviction where the crime is directly related to the business activities for which the franchise is sought.

Yes ___ No X

If you responded "Yes," please provide all of the following information for each indictment, charge, or conviction:

- a) A description of the case style and docket number
- b) The nature of the charge or indictment
- c) Date of the charge or indictment
- d) Location of the court before which the proceeding is pending or was heard
- e) The disposition (e.g., convicted, acquitted, dismissed, etc.)
- f) Any sentence imposed
- g) Any evidence which the County (in its discretion) may determine that the Applicant and/or person found guilty or convicted of illegal conduct or activity has conducted itself, himself or herself in a manner as to warrant the granting or renewal of the franchise.

Section J

The Applicant must provide a current certificate(s) of insurance. Franchise insurance requirements are determined by Broward County's Risk Management Division and are contained in the Port Everglades Tariff No. 12 as amended, revised or reissued from time to time. The Port Everglades Tariff is contained in the Broward County Administrative Code, Chapter 42, and is available for inspection on line at: <http://www.porteverglades.net/development/tariff>.

Section K

1. The Applicant must provide its most recent audited or reviewed financial statements prepared in accordance with generally accepted accounting principles, or other documents and information which demonstrate the Applicant's creditworthiness, financial responsibility, and resources, which the Port will consider in evaluating the Applicant's financial responsibility.

2. Has the Applicant or entity acquired by Applicant (discussed in Section E herein) sought relief under any provision of the Federal Bankruptcy Code or under any state insolvency law filed by or against it within the last five (5) year period?

Yes ___ No X

If "Yes," please provide the following information for each bankruptcy or insolvency proceeding:

- a) Date petition was filed or relief sought
- b) Title of case and docket number
- c) Name and address of court or agency
- d) Nature of judgment or relief
- e) Date entered

3. Has any receiver, fiscal agent, trustee, reorganization trustee, or similar officer been appointed in the last five (5) year period by a court for the business or property of the Applicant?

Yes ___ No X

If "Yes," please provide the following information for each appointment:

- a) Name of person appointed
- b) Date appointed
- c) Name and address of court
- d) Reason for appointment

4. Has any receiver, fiscal agent, trustee, reorganization trustee, or similar officer been appointed in the last five (5) year period by a court for any entity, business, or property acquired by the Applicant?

Yes ___ No X

If "Yes," please provide the following information for each appointment:

- a) Name of person appointed
- b) Date appointed
- c) Name and address of court
- d) Reason for appointment

Section L

List four (4) credit references for the Applicant, one of which must be a bank. Use this format:

Name of Reference SEE ATTACHED Nature of Business _____

Contact Name _____ Title _____

Legal Business Street Address _____

City, State, Zip Code _____

Phone Number () _____

(Provide on a separate sheet.)

Section M

1. Security: Pursuant to Port Everglades Tariff 12, Item 960, all Franchisees are required to furnish an Indemnity and Payment Bond or Irrevocable Letter of Credit drawn on a U.S. bank in a format and an amount not less than \$20,000 as required by Broward County Port Everglades Department.

2. Has the Applicant been denied a bond or letter of credit within the past five (5) years?

Yes ___ No X

If "Yes," please provide a summary explanation in the space provided of why the Applicant was denied. Use additional sheets if necessary.

Section N

1. Provide a list and description of all equipment currently owned and/or leased by the Applicant and intended to be used by the Applicant for the type of service(s) intended to be performed at Port Everglades including the age, type of equipment and model number.

No equipment utilized for steamship agency services, except typical office equipment

2. Identify the type of fuel used for each piece of equipment.

3. Indicate which equipment, if any, is to be domiciled at Port Everglades.

4. Will all equipment operators be employees of the Applicant, on the payroll of the Applicant, with wages, taxes, benefits, and insurance paid by the Applicant?

Yes ___ No ___

If "No," please explain in the space provided who will operate the equipment and pay wages, taxes, benefits, and insurance, if the franchise is granted. Use additional sheets if necessary.

Section O

Provide a copy of the Applicant's current Broward County Business Tax Receipt (formerly Occupational License).

Section P

1. Provide a copy of Applicant's safety program.
2. Provide a copy of Applicant's substance abuse policy.
3. Provide a copy of Applicant's employee job training program/policy.
4. Provide information regarding frequency of training.
5. Include equipment operator certificates, if any.

Section Q

1. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or fines from any federal, state, or local environmental regulatory agencies?

Yes ___ No X

2. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or civil penalties from the U.S. Coast Guard?

Yes ___ No X

3. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or fines from the Occupational Safety and Health Administration?

Yes ___ No X

If you responded "Yes" to any of this section's questions 1, 2, or 3 above, please provide a detailed summary for each question containing the following information:

- a) Name and address of the agency issuing the citation or notice
- b) Date of the notice
- c) Nature of the violation
- d) Copies of the infraction notice(s) from the agency
- e) Disposition of case
- f) Amount of fines, if any
- g) Corrective action taken

Attach copies of all citations, notices of violations, warning notices, civil penalties and fines issued by local, state, and federal regulatory agencies, all related correspondence, and proof of payment of fines.

4. Provide a statement (and/or documentation) which describes the Applicant's commitment to environmental protection, environmental maintenance, and environmental enhancement in the Port.

Applicant is fully committed to operate in a safe and environmentally conscious manner at all times. Applicant is further committed to comply with all environmental laws, regulations, and permits as related to the handling of cargo through Port Everglades. Applicant has an unblemished history of environmental compliance.

Section R

Provide written evidence of Applicant's ability to promote and develop growth in the business activities, projects or facilities of Port Everglades through its provision of the services (i.e., stevedore, cargo handler or steamship agent) it seeks to perform at Port Everglades. For first-time applicants (stevedore, cargo handler and steamship agent), the written evidence must demonstrate Applicant's ability to attract and retain new business such that, Broward County may determine in its discretion that the franchise is in the best interests of the operation and promotion of the port and harbor facilities. The term "new business" is defined in Chapter 32, Part II of the Broward County Administrative Code as may be amended from time to time.

By signing and submitting this application, Applicant certifies that it has read and understands the governing rules and regulations for a franchise as provided in Chapter 32, Part II, of the Broward County Administrative Code as amended. For additional information, visit: <http://www.municode.com/resources/gateway.asp?pid=13528&sid=9>.

By signing and submitting this application, Applicant certifies that all information provided in this application is true and correct and further, understands that providing false or misleading information on this application may result in the franchise application being denied, or in instances of renewal, a franchise revoked. Applicant hereby waives any and all claims for any damages resulting to the Applicant from any disclosure or publication in any manner of any material or information acquired by Broward County during the franchise application process or during any inquiries, investigations, or public hearings. The individual executing this application personally warrants that s/he has the full binding authority to execute this application on behalf of the Applicant. Applicant further understands that if there are any changes to the information provided herein (subsequent to this application submission) and/or to its officers, directors, senior management personnel and/or in its business operation and/or any citations, notices of violation, warnings or fines from any federal, state or local regulatory agencies, as stated in this application, Applicant agrees to provide such updated information to the Port Everglades Department of Broward County including the furnishing of the names, addresses (and other information as required above) with respect to persons becoming associated with Applicant after its franchise application is submitted and any other required documentation requested by Port Everglades Department staff as relating to the changes in the business operation. This information must be submitted within ten (10) calendar days from the date of any change made by the Applicant. Applicant certifies that all workers performing functions for Applicant who are subject to the Longshore and Harbor Workers' Act are covered by Longshore and Harbor Workers' Act, Jones Act Insurance, as required by federal law.

By signing and submitting this application, Applicant authorizes the Port Everglades Department of Broward County to make any inquiry or investigation it deems appropriate to verify or augment the information contained in this application, and authorizes others to release to the Port Everglades Department of Broward County any and all information sought in such inquiry. Applicant further understands that under the laws of the State of Florida, this application is subject to the Florida Public Records Act (Chapter 119, Florida Statutes) as may be amended.

Signature of Applicant's Authorized Representative [Signature] Date Signed 4/21/17

Signature name and title - typed or printed Michael Evanko

Witness Signature (*Required*) [Signature]

Witness name-typed or printed David P. Foley

Witness Signature (*Required*) [Signature]

Witness name-typed or printed Timothy Beckel

If a franchise is granted, all official notices/correspondence should be sent to:

Name Timothy Beckel Title Risk Management and Compliance Mgr.

Address 529 Terminal Ave Phone (360) 655-7300
New Castle, DE 19720

Michael Evanko, President
New Castle, DE

Mike leads and directs the strategic initiatives of the company as the organization continues to enhance its reputation as the premiere provider of marine and material handling services.

Since joining the company in 2006, Mike has directed the development of an asset led approach to business development. This approach provides the greatest value to the company and its customers. Additionally, he has developed and implemented a focused sales organization which is increasing the company's span of influence in the marketplace. These activities have allowed the company to add locations in Baltimore, MD, Charleston, SC, and Palm Beach, FL, and to position themselves to add several more locations in the near future. Adding professionals in many areas of the organization has greatly increased the company's ability to serve its customers. These changes have helped to streamline many processes and procedures resulting in greater value across the supply chain.

Prior to joining the company, Mike spent eight years working for Accenture, LTD in various roles, with an emphasis on overall business process management, financial management, and information technology consulting. Mike was successful in providing Accenture's clients significant savings in their operating budgets, improving productivity, and streamlining procedures.

Mike also spent several years with OHM Corporation where he was a successful Project Manager in managing all aspects of remediation and construction projects including financial reporting, contract management and operational success.

Mike earned his BA in Economics and Business Administration from Ursinus College.

Mike resides in West Chester, Pennsylvania and operates from Wilmington, Delaware.

Dennis Moro
(561)290-9599
dmoro@portcontractors.com

Experience

Port Contractors – Southeast, LLC

February 2009 - Present

Terminal Superintendent – Manage our day to day operations at our multiple southeast locations.

Port of Palm Beach

February 2008 – February 2009

Harbormaster – Manage day to day operations of the port. Including the overseeing of the port rail operation and all inbound and outbound vessel activity.

Palm Beach Steamship Agency

1997 – February 2008

Ship Agent / Warehouse Manager / Stevedore – Handled all vessel CBP documentation and vessel husbandry. Coordinated the receiving and loading of all cargo. Also the loading and unloading of vessels while in port.

Skills

- Crane operator
- Heavy equipment operator
- Forklift certified
- Certified Signalman
- Certified Rigger
- Certified in Mobile Crane Safety
- Proficient in Microsoft Office
- Bilingual

Delaware

PAGE 1

The First State


I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE RESTATED CERTIFICATE OF "PORT CONTRACTORS OF SOUTH CAROLINA LLC", CHANGING ITS NAME FROM "PORT CONTRACTORS OF SOUTH CAROLINA LLC" TO "PORT CONTRACTORS - SOUTHEAST, LLC", FILED IN THIS OFFICE ON THE THIRTY-FIRST DAY OF AUGUST, A.D. 2010, AT 10:27 O'CLOCK A.M.

4513793 8100


100871702

You may verify this certificate online
at corp.delaware.gov/authver.shtml




Jeffrey W. Bullock, Secretary of State
AUTHENTICATION: 8206548

DATE: 09-02-10



State of Florida
Department of State

I certify the attached is a true and correct copy of the application by PORT CONTRACTORS - SOUTHEAST, LLC, a Delaware limited liability company, authorized to transact business within the state of Florida on December 3, 2010, as shown by the records of this office.

I further certify the document was electronically received under FAX audit number H10000260177. This certificate is issued in accordance with section 15.16, Florida Statutes, and authenticated by the code noted below.

The document number of this limited liability company is M10000005324.

Authentication Code: 910A00028217-120610-M10000005324-1/1

Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capital, this the
Seventh day of December, 2010



Dawn K. Roberts
Dawn K. Roberts
Secretary of State



December 7, 2010

FLORIDA DEPARTMENT OF STATE
Division of Corporations

PORT CONTRACTORS - SOUTHEAST, LLC
529 TERMINAL AVENUE
NEW CASTLE, DE 19720

Qualification documents for PORT CONTRACTORS - SOUTHEAST, LLC were filed on December 3, 2010, and assigned document number M1000005324. Please refer to this number whenever corresponding with this office.

Your limited liability company is now qualified and authorized to transact business in Florida as of the file date.

The certification you requested is enclosed. To be official, the certification for a certified copy must be attached to the original document that was electronically submitted and filed under FAX audit number H10000260177.

To maintain "active" status with the Division of Corporations, an annual report must be filed yearly between January 1st and May 1st beginning in the year following the file date or effective date indicated above. If the annual report is not filed by May 1st, a \$400 late fee will be added. It is your responsibility to remember to file your annual report in a timely manner.

A Federal Employer Identification Number (FEI/EIN) will be required when this report is filed. Contact the IRS at 1-800-829-4933 for an SS-4 form or go to www.irs.gov.

Please be aware if the limited liability company address changes, it is the responsibility of the corporation to notify this office.

Should you have any questions regarding this matter, please contact this office at the address given below.

Gretchen Harvey
Document Specialist Supervisor
Registration/Qualification Section
Division of Corporations

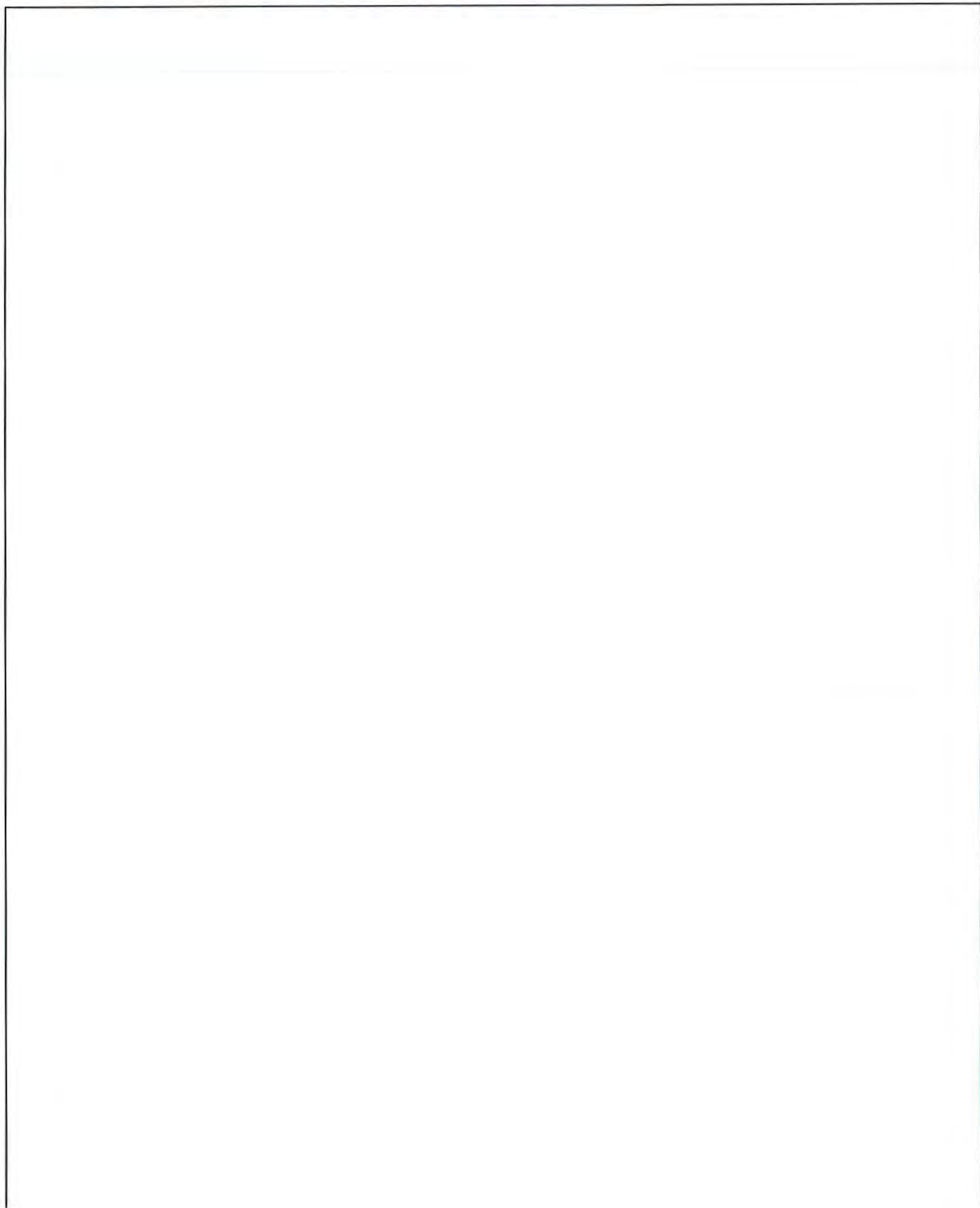
Letter Number: 910A00028217

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BY...

P.O BOX 6327 - Tallahassee, Florida 32314



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /



Detail by Entity Name

Foreign Limited Liability Company
PORT CONTRACTORS - SOUTHEAST, LLC

Filing Information

Document Number M10000005324
FEI/EIN Number 27-4117367
Date Filed 12/03/2010
State DE
Status ACTIVE
Last Event REINSTATEMENT
Event Date Filed 07/01/2013

Principal Address

529 TERMINAL AVENUE
NEW CASTLE, DE 19720

Mailing Address

529 TERMINAL AVENUE
NEW CASTLE, DE 19720

Registered Agent Name & Address

CT CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324

Authorized Person(s) Detail**Name & Address**

Title MGR

PCI OPERATIONS, LLC
529 TERMINAL AVENUE
NEW CASTLE, DE 19720

Annual Reports

Report Year	Filed Date
2015	03/24/2015
2016	04/05/2016
2017	01/09/2017

Document Images

01/09/2017 -- ANNUAL REPORT	View image in PDF format
04/05/2016 -- ANNUAL REPORT	View image in PDF format
03/24/2015 -- ANNUAL REPORT	View image in PDF format
01/15/2014 -- ANNUAL REPORT	View image in PDF format
07/01/2013 -- REINSTATEMENT	View image in PDF format
04/22/2011 -- ANNUAL REPORT	View image in PDF format
12/03/2010 -- Foreign Limited	View image in PDF format

Florida Department of State, Division of Corporations

AMENDED AND RESTATED CERTIFICATE OF FORMATION
OF
PORT CONTRACTORS OF SOUTH CAROLINA LLC

This Amended and Restated Certificate of Formation of Port Contractors of South Carolina LLC (the "LLC"), dated as of August 31, 2010, has been duly executed and is being filed by Robert J. Krapf, as an authorized person in accordance with the provisions of 6 Del.C. §18-208, to amend and restate the original Certificate of Formation of the LLC, which was filed on December 10, 2008, with the Secretary of State of the State of Delaware (the "Certificate"), to form a limited liability company under the Delaware Limited Liability Company Act (6 Del.C. §18-101, et seq.).

The Certificate is hereby amended and restated in its entirety to read as follows:

FIRST. The name of the limited liability company is Port Contractors - Southeast, LLC.

SECOND. The address of the registered office of the LLC in the State of Delaware is One Rodney Square, 10th Floor, Tenth and King Streets, Wilmington, New Castle County, Delaware, 19801.

THIRD. The name and address of the registered agent for service of process on the LLC in the State of Delaware is RL&F Service Corp., One Rodney Square, 10th Floor, Tenth and King Streets, Wilmington, New Castle County, Delaware, 19801.

IN WITNESS WHEREOF, the undersigned has executed this Amended and Restated Certificate of Formation as of the date first above written.


Name: Robert J. Krapf
Authorized Person

State of Delaware
Secretary of State
Division of Corporations
Delivered 10:27 AM 08/31/2010
FILED 10:27 AM 08/31/2010
SRV 100871702 - 4513793 FILE



CERTIFICATE OF LIABILITY INSURANCE

EXHIBIT 5
 Page 22 of 99
 DATE (MM/DD/YYYY)
 4/17/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER MHBT, a Marsh & McLennan Agency, LLC company 8144 Walnut Hill Lane 16th Floor Dallas TX 75231-TX		CONTACT NAME: Stacy Brimer PHONE (A/C, No, Ext): E-MAIL ADDRESS: stacy_brimer@mhbt.com FAX (A/C, No): 972-376-8106	
INSURED PORTCON Port Contractors - Southeast, LLC 529 Terminal Ave New Castle, DE 19720		INSURER(S) AFFORDING COVERAGE INSURER A : Signal Mutual INSURER B : Arch Insurance Company INSURER C : Travelers Property Commercial Casua INSURER D : Depositors Insurance Company INSURER E : INSURER F :	NAIC # 11150 40282 42587

COVERAGES

CERTIFICATE NUMBER: 73751680

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

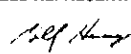
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
C	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			ZOL21N8321516ND	10/1/2016	10/1/2017	EACH OCCURRENCE	\$1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$1,000,000
	<input checked="" type="checkbox"/> 25,000						MED EXP (Any one person)	\$10,000
	<input checked="" type="checkbox"/> Marine Liab.						PERSONAL & ADV INJURY	\$1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$2,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG	\$2,000,000
	OTHER:							\$
D	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY			ACPBPAPD3007966452 ACPBPAPD3008040851	10/1/2016 10/1/2016	10/1/2017 10/1/2017	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
	<input checked="" type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						BODILY INJURY (Per accident)	\$
	<input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/>						PROPERTY DAMAGE (Per accident)	\$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR						EACH OCCURRENCE	\$
	<input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						AGGREGATE	\$
	DED: <input type="checkbox"/> RETENTION \$ <input type="checkbox"/>							\$
B	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			ZAWCI9933900	10/1/2016	10/1/2017	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER	State Act
	<input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A				E.L. EACH ACCIDENT	\$1,000,000
	<input type="checkbox"/> If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$1,000,000
							E.L. DISEASE - POLICY LIMIT	\$1,000,000
A	<input checked="" type="checkbox"/> USL&H Coverage			40300 J1660403	10/1/2016 10/1/2016	10/1/2017 10/1/2017	USL&H \$10M Incidental	Jones Act
	<input type="checkbox"/> Jones Act							

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional Insured form #OMOLO138 edition 07/13 applies to the General Liability policy.
 Waiver of subrogation form OMOLO138 edition 07/13 applies to the General Liability policy.
 Primary & Non-Contributory General Liability form #OMOLO138 edition 07/13 .

Additional Insured form #AC7005 edition 03/16 and #AC0102FL edition 03/08 applies to the Automobile Liability policy.
 Waiver of subrogation form #AC7005 edition 03/16 and #AC0101A edition 03/08 applies to the Automobile Liability policy.
 See Attached...

CERTIFICATE HOLDER**CANCELLATION**

Broward County Port Everglades 1850 Eller Drive Fort Lauderdale FL 33316	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	--

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AGENCY CUSTOMER ID: PORTCON

LOC #: _____



ADDITIONAL REMARKS SCHEDULE

Page 1 of 1

AGENCY MHBT, a Marsh & McLennan Agency, LLC company		NAMED INSURED Port Contractors - Southeast, LLC 529 Terminal Ave New Castle, DE 19720	
POLICY NUMBER		EFFECTIVE DATE:	
CARRIER	NAIC CODE		

ADDITIONAL REMARKS

**THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE**

Waiver of subrogation form #WC00 edition 03/13 applies to the Workers Compensation policy.

The General Liability policy includes a blanket additional insured endorsement to the certificate holder only when there is a written contract between the named insured and the certificate holder that requires such status.

The General Liability policy contains an endorsement with "Primary and NonContributory" wording that may apply only when there is a written contract between the named insured and the certificate holder that requires such wording.

The General Liability policy contains a blanket waiver of subrogation endorsement that may apply only when there is a written contract between the named insured and the certificate holder that requires such wording.

The Automobile Liability policy contains language that provides additional insured status to the certificate holder only when there is a written contract between the named insured and the certificate holder that requires such status.

The Automobile liability policy includes waiver of subrogation wording that may apply only when there is a written contract between the named insured and the certificate holder that requires such wording.

The Worker's Compensation policy includes a waiver of subrogation endorsement that may apply only when there is a written contract between the named insured and the certificate holder that requires such wording.
See OM442-1028 (01/2007) attached



Company Name: Port Contractors- Southeast, LLC
529 Terminal Ave.
New Castle, DE 19720

Phone: 302.655.7300
Fax: 302.658.4075

Website: www.portcontractors.com
Email: AP@portcontractors.com

Type of Business: Bulk Material Handling
In Business Since: 12/08
Federal Tax ID#: 27-4117367

Officers: President: Mike Evanko

AP Contact: Kimesha Gordy: 302.655.7300
ap@portcontractors.com

Authorized Signatures: P.O. Required for Purchases

Credit References: **Labor Ready Southeast, Inc.**
P.O. Box 820145
Philadelphia, PA 19182
Phone: 561.844.5886
Fax: 561.844.5817

Bulldog Hiway Express
P.O. Box 40247
Charleston, SC 29423
Phone: 843.744.1651

Port Towing Corporation
P.O. Box 14176
North Palm Beach, FL 33408
Phone: 561.844.0106

Bank Reference: **Wilmington Savings Fund Society**
Judith Haughton – Vice President
144 N. DuPont Highway
New Castle, DE 19720
Phone: 302.324.5800
Fax: 302.324.5803



VERIFICATION CERTIFICATE FOR INDEFINITE TERM BOND

Liberty Mutual Insurance Company Boston, MA , Surety upon

a certain Bond No. **022030117**
Cross Ref:

dated effective **08/08/2016**
(MONTH-DAY-YEAR)

on behalf of Port Contractors - Southeast, LLC
(PRINCIPAL)

and in favor of Broward County, Florida
(OBLIGEE)

Amount of bond **\$20,000.00**

Description of bond Indemnity and Payment Bond, Cargo Handler

AND THAT THE SAID BOND REMAINS IN EFFECT, SUBJECT TO ALL ITS AGREEMENTS, CONDITIONS AND LIMITATIONS, AND ENDS ONLY WITH THE CANCELLATION OF SAID BOND OR OTHER LEGAL TERMINATION.

Signed and dated on 08/08/2016
(MONTH-DAY-YEAR)
Liberty Mutual Insurance Company
175 Berkeley Street, Boston, Massachusetts 02116 610-832-8240

By *Dawn Davis*
Attorney-in-Fact Dawn Davis, Attorney-in-Fact

MHBT, A Marsh & McLennan Agency LLC company
Agent
8144 Walnut Hill Lane, 16th Floor, Dallas, TX 75231
Address of Agent
(972) 770-1414
Telephone Number of Agent



THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No 7642954

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company West American Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Dawn Davis; Donnie D. Doan, Edward Ryan Bowles, John Fulkerson; Kae Perdue; Kristi Meek; Sharon Clary; Tom P. Ellis, III, Walter J. DeLaRosa

all of the city of Dallas, state of TX each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 3rd day of March, 2017.



The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 3rd day of March, 2017, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows

ARTICLE IV - OFFICERS - Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts - SECTION 5 Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 8th day of August, 2017.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

PORT CONTRACTORS - SOUTHEAST, LLC

4506

Broward County Tax Collector

July 24, 2015

Document No.	Document Date	Amount	Discount	Net Amount
329-240455-71	07/22/15	120.00		120.00

PAYMENT
RECORD

Total 120.00





Port Contractors, Inc.

SAFETY AND HEALTH MANUAL

Issue Date: August 17, 2009



Port Contractors, Inc.

Table of Contents

Part I – Overview

Part II – Basic Safety Rules

Part III – General Policies

Part IV – Safety and Health Procedures

Appendix #1 – Forms



Port Contractors, Inc.

PART I: OVERVIEW

Port Contractors, Inc., (PCI), strives to provide safe working conditions for our employees. We are committed to observing the safety laws of the governments within whose jurisdictions we operate. Safety is every employee's responsibility, and all employees are expected to make every reasonable effort to work in a manner that protects themselves, fellow employees, our customers, subcontractors, and the community.

PCI acknowledges the importance of preventing work related injuries, illnesses and accidents. Our goal is to eliminate hazards that may result in personal injury, property damage, or loss caused by accidents. To aid in achieving this goal, the company has established a number of rules, policies, and operational procedures to help create and maintain a safe and healthy environment. These rules, policies, and procedures, which are covered in the following pages, apply at all times while you are on – or operating - company property or are conducting company business. Failure to abide by these rules, policies, and procedures may result in disciplinary action, up to and including termination.

Please bear in mind that maintaining a safe and healthy environment is for everyone's benefit, but that it also calls for everyone's participation. Please familiarize yourself with this manual so that you can contribute to the health and safety of our organization.

All employees will be provided with a copy of this manual shortly after starting their employment with the Company, and will be asked to sign a receipt acknowledging they have received a copy. A sign-off form for this purpose can be found in the appendix of this manual.



Port Contractors, Inc.

PART II: BASIC SAFETY RULES

Underlying the procedures that are detailed in this manual are a number of basic safety rules. While specifically mentioned in some of the policies and procedures, the following rules are always in effect and are expected to be followed at all times when working or present in a work area.

The basic safety rules are as follows. Failure to comply with these rules may result in disciplinary action up to and including termination of employment. These are **basic** rules. Additional safety rules may be required from time to time based on the hazards of a particular job.

- ❑ All employees will adhere to all Company safety rules and regulations, and will obey all federal, state and local signs, rules and regulations.
- ❑ Report all work injuries, illnesses, incidents/accidents, near misses, unsafe acts or conditions **immediately** to your Supervisor. If your Supervisor is not available, the report must be made immediately to the Terminal Manager or Safety Manager.
- ❑ Firearms, weapons or explosives are not permitted on Company property, unless exception is made based on State law.
- ❑ Using, possessing, selling or being under the influence of illegal drugs, misusing prescription drugs and/or alcohol are strictly forbidden on Company property. Any employee who is reasonably suspected of being under the influence of any such substances while at work will be subject to the provisions of the Company's Drug and Alcohol-Free Workplace Policy.
- ❑ All employees must use personal protective equipment (PPE) in accordance with work requirements, Federal and State Law, and/or the applicable PPE hazard assessment. **Mandatory PPE** required at all job sites at all locations includes: steel-toed shoes, safety glasses, reflective safety vest or other approved reflective garment, and leather or rubber work gloves (task specific). Hard hats are required when working on a vessel or dock, when fall hazards exist, or when deemed necessary in accordance with a PPE hazard assessment. Employees are expected to wear Company provided uniforms or other garments that are deemed "appropriately safe" for the task to be completed.

- Employees are expected to wear long pants at all times. Employees must receive approval from the Safety Manager or Terminal Manager in advance to wear shorts. For office personnel, flip-flops are not permitted at any time. When possible, employees should wear rubber gloves when administering first aid.

- ❑ Only authorized employees with the necessary training may operate vehicles, equipment and/or machinery. Vehicles, equipment and/or machinery must be operated at safe speeds and in a safe manner and in all events in accordance with applicable laws (e.g. posted speed limits).
- ❑ All gear, vehicles, equipment and/or machinery must be inspected prior to use. Defective lifting gear, equipment or machinery must be removed from service. Bent shackles or hooks or damaged slings must be destroyed and disposed of immediately upon discovery in order to prevent accidental use. Defective machinery, that is powered or energized, must be locked out in accordance with the Company's Lock Out – Tag Out Policy and Procedure.
- ❑ Employees shall use tools and/or equipment only for its intended purpose and within the design capabilities.
- ❑ At all times, keep at least six feet away from any running vehicles, mobile equipment or machinery that you are not operating and a farther, safe distance depending on the operation. Before approaching a running piece of mobile equipment, vehicles or machinery that someone else is operating, whether on foot or in a vehicle or piece of equipment, **IT IS YOUR RESPONSIBILITY TO MAKE ABSOLUTELY SURE THAT THE OPERATOR IS AWARE OF YOUR PRESENCE AND OF YOUR INTENTION.**
- ❑ Only authorized employees with the necessary training may repair or adjust machinery, equipment and/or tools. Lock, tag and try procedures must be followed before removing any machine guards or working on any powered machinery or equipment.
- ❑ Never operate equipment with mechanical problems. Never obey an order to operate a machine if you have reason to believe it has a mechanical problem; report any issues to an appropriate manager.
- ❑ Always use the gangway to get on and off vessels. Climbing over the rail or side of the vessel for any reason is strictly forbidden. If you are working on a barge, you must use a ladder or man basket unless you can walk on or off. Jumping is strictly forbidden. Personal Flotation Devices (PFDs) are required at all times when outside of a barge's hatch coaming, and when handling lines.
- ❑ To ensure all employees are safe from electrical shock, ground fault circuit interrupter (GFCI) protection will be used for all cord sets, receptacles and electrical tools and equipment connected by cord and plug. GFCI protection will be used or available for use by employees in maintenance shops and the field.
- ❑ Cell phone use is **prohibited** while operating equipment or machinery, and/or while driving any Company vehicle or the employee's personal vehicle while driving on Company business or on Company property, or walking in open areas unless it is being used "hands free." "When not being used "hands free", Cell phone use is permitted only in offices, break rooms, **parked** cars or equipment, or when you are isolated from work activities or standing next to a large fixed object that protects you. All other personal electronic device use shall be similarly restricted to avoid interference with the safe operation of machinery and equipment and safe driving. When driving on public roads, on

Company business or in a Company vehicle, employees are required to obey all State and Local Motor Vehicle regulations regarding the use of cell phones for the State and Local area in which they are driving.

- ❑ Always stand by large fixed objects when reading or writing paperwork within an active work area. If you read or write while walking you may be struck by a machine or vehicle. Remain vigilant and aware of your surroundings at all times.
- ❑ If unsure of the specific hazards for the materials used in their workplace, employees shall check the Safety Data Sheet (SDS, or formerly MSDS), for this information. Employees will only use properly labelled containers to transport, dispense, or store hazardous materials. Employees will follow any additional PPE requirements listed in the SDS.
- ❑ You are forbidden to perform hazardous materials cleanup. A properly licensed vendor must be called to undertake any such cleanup. Only authorized and trained employees in maintenance positions may dispense or use the chemicals found in shops or service vehicles. This rule does not apply to initial containment of a fuel or lubricating oil spill.
- ❑ Never enter confined spaces without proper training and Management authorization. A confined space is defined as a space having the following characteristics:
 - a. Small or restricted size so configured to allow an employee to bodily enter and perform assigned work
 - b. Severely limited natural ventilation
 - c. The ability to contain or accumulate a hazardous atmosphere
 - d. Exit(s) which are not readily accessible
 - e. A design not meant for continuous human occupancy.
- ❑ Keep your work areas clean and orderly. Do not block aisles, walkways, safety showers, electric panels or emergency equipment and/or exits.
- ❑ Horseplay, pranks and practical jokes are strictly prohibited.
- ❑ Smoking is permitted only in the designated smoking areas. Smoking is prohibited in any piece of equipment or Company vehicle.
- ❑ Parking is permitted in designated parking areas only. Some areas can be designated temporarily during vessel or other operation where visually designated parking is limited or not present.



Port Contractors, Inc.

PART III: GENERAL POLICIES

Similar to the rules listed in the prior section, PCI maintains a number of policies that also provide direction and guidance in our Safety and Health Program.

You are encouraged to refer to the Port Contractors, Inc. Employee Handbook to familiarize yourself with company policies. Many aspects of the Safety and Health procedures are based on company policies, taking the general principles stated in them and applying them to specific situations. Keep in mind that these policies are applicable in all situations, not just those situations that relate to the specific procedures found in this manual. Familiarity with these policies can help all employees make appropriate decisions when faced with Safety and Health matters that are not covered by a specific procedure.



Port Contractors, Inc.

PART IV: SAFETY AND HEALTH PROCEDURES

PCI's desire to create and maintain a safe and healthy work environment, combined with a number of laws and regulations that have the same objective, have led to the creation of our safety and health procedures. These procedures, detailed in the following pages, provide detailed processes to be followed in specific situations.

The situations that are covered by these procedures are those that are recognized as having a significant impact on safety and health, either because they address tasks that have a higher likelihood of hazards and/or because they reduce the potential for a hazard to occur. Please keep in mind, however, the Company's desire is to maintain a safe and healthy environment at **all** times. To accomplish this, people must maintain safe and healthy practices, not just in situations covered by these procedures, but at all times when conducting Company business.

A listing of these procedures is below, followed by the full write-ups. Forms that are needed in following these procedures are found in Appendix #1.

- Incident Reporting (PCI S&H Procedure #1)
- Mustering and Evacuation (PCI S&H Procedure #2)
- Hot Work (PCI S&H Procedure #3)
- Hazard Communication (PCI S&H Procedure #4)
- PPE and Hazard Assessments (PCI S&H Procedure #5)
- Confined Space Entry (PCI S&H Procedure #6)
- Lock, Tag, and Try (PCI S&H Procedure #7)
- Fall Protection (PCI S&H Procedure #8)
- Ladder Safety (PCI S&H Procedure #9)
- Respiratory Protection (PCI S&H Procedure #10)
- Workplace Auditing (PCI S&H Procedure #11)
- Mobile Equipment (PCI S&H Procedure #12)
- Sub contractor Safety (PCI S&H Procedure #13)



Port Contractors, Inc.

PROCEDURE #1: INCIDENT REPORTING

Purpose

To ensure that there is proper communications about incidents, as a means of preventing similar incidents, promoting safety awareness, communicating learnings, and collecting data for trend analysis.

Definition

The definition of an incident is any unplanned event or action that (1) interferes with or has the potential to interfere with the orderly progress of work or (2) has the potential to cause one or more of the following:

- Injury or illness to an employee, contractor, client, or a member of the public
- An environmental release
- Property damage, including any damage to company/rental equipment or vehicles
- A business interruption
- Unfavorable publicity

Responsibilities

- Employee
 - Each employee is responsible for reporting any incidents in which they are involved. The employee must contact their supervisor as soon as feasible after the incident occurs. If his/her supervisor is not immediately available, the employee should contact another appropriate member of management.
- Supervisor
 - The supervisor is responsible for contacting the Safety Manager or other appropriate member of management and for sending a preliminary communication (i.e., concise statement of what happened) or an Incident Report form.

- Management
 - The Safety Manager will take the following steps: Determine if an incident occurred (per the definition), complete the Incident Report form, issue a tracking number, and decide how quickly company-wide reporting will be completed.

Note: If a fatality occurs or three or more employees are hospitalized, the president must be notified within one hour. The president must contact the regional Occupational Safety and Health Administration (OSHA) office by phone within eight hours of the injuries.

Procedure

- If an incident occurs, the employee will first stabilize the situation and then contact his/her supervisor. The Safety Manager should be contacted as an alternate. The employee will provide the following basic information:
 - Request assistance if needed.
 - Time and location of incident.
 - Incident information known at the time.
 - Who
 - What
 - How to contact the field people if more information is needed
 - Time and method next communication will occur, if needed

Note: If a fatality or hospitalization occurs, management must be notified immediately.

- The Safety Manager is responsible for completing the Incident Report with assistance from all parties involved, including the Supervisor.
- The Safety Manager will assign a tracking number to the incidents.
- The Safety Manager will compile the incidents to analyze for trends.
- The Safety Manager is responsible for communicating the incident throughout the company.

Forms

The Internal Incident Report Form can be found in the appendix of this manual.



Port Contractors, Inc.

PROCEDURE #2: MUSTERING AND EVACUATION

Purpose

To provide guidance on the method to respond to and report on emergencies that occur during the workday or on company property.

Definition

An evacuation plan is an area/building-specific procedure to get personnel out of a specific area of concern. It includes notification and mustering instructions so that everyone can be accounted for and so that appropriate help can be summoned. The procedure for each building is posted near all exits and gives specific details as to where personnel are to re-group or “muster” (see Appendix for related form, “Emergency Action Plan”).

Responsibilities

- Employees
 - Pull the nearest fire alarm if they are the person discovering a fire or other incident.
 - Evacuate (if circumstances warrant, evacuate even if an alarm has not been sounded).
 - Call 911 to report the incident.
 - Once safely clear of the area, notify the main office and give them the following information: (1) your name, (2) the exact location of the incident, and (3) the extent of the incident, if known (e.g., “This is John Brown. There are smoldering wires in office number 241.”).
- Supervisors
 - Develop and post emergency evacuation plans in assigned areas.
 - Train new employees on the evacuation procedures for their area.
 - Annually review the evacuation plan and procedure with employees in assigned areas.

- Establish procedures to assure proper notification in the event employees are not in the building during an emergency and establish an on-site alternate coordinator for the area during supervisor absences.
- Management
 - Train personnel on the requirements of this procedure.
 - Allocate the necessary resources to minimize hazards in the workplace that could lead for the need to evacuate.
 - Ensure all work areas post and maintain emergency evacuation plans.

Procedure

When the fire alarm sounds, all employees will do as follows:

- Immediately evacuate the building using the posted evacuation routes.
- Walk, do not run.
- Proceed to the established mustering point for head count. This point is included in the specific evacuation plan posted in the work area.
- Take responsibility for visitors. Visitors must accompany employees to the mustering point.
- Await further instructions after being accounted for at the mustering point.

The person reporting the incident will inform their supervisor or alternate (as appropriate) of the nature and extent of incident. All communications with the fire chief or other emergency responders will be through the supervisor or alternate.

Forms

The Emergency Action Plan form can be found in the appendix of this manual.



Port Contractors, Inc.

PROCEDURE #3: HOT WORK

Purpose

To outline the basic requirements in order to control the use of flame-, spark-, and heat-producing devices.

Definitions

- ❑ **Flame-Producing Devices:** gas welding and cutting tools, torches, and portable gas furnaces
- ❑ **Arc or Heat-Producing Devices:** soldering and heat guns, electrical welding tools, drills, electrical furnaces, and open motors
- ❑ **Spark-Producing Devices:** grinding tools, chipping hammers, and wire brushes driven by air or electricity

Responsibilities

- ❑ Employees
 - Understand and comply with the requirements of this procedure.
 - Wear task-specific PPE. Hot work should be performed with a minimum of leather gloves, eye protective goggles and standard long sleeve coveralls. Welding operations will require additional PPE to include welder's gloves, leather apron or welders coat and welders helmet.
- ❑ Supervisors
 - Train personnel to recognize the hazards associated with the use of flame- and spark-producing devices.
 - Audit job sites to ensure compliance with this procedure and the safe use of flame-, spark-, and heat-producing devices in their areas.
 - Complete hot work permit and test for combustible gas (L.E.L.) if required.
- ❑ Safety Manager
 - Ensure that adequate resources are available for the necessary equipment to safely weld and use other equipment covered in this procedure.

- Contractors
 - Follow all aspects of this procedure.
 - Complete hot work permit and test for combustible gas (L.E.L.) if required.

Procedure

Personnel performing tasks using flame-, spark-, and heat-producing devices need to be able to recognize potential hazards. Welders and cutters can protect themselves and others by following safe work practices that include the following:

- Receive approval from supervisor to initiate work in the prepared area, and determine (with the supervisor) the need to have a standby person (fire watch).
- Inspect the area where work is to be performed, and remove flammable/combustible materials from the work area. Flammable materials need to be placed a minimum of 35 feet away (Ref. NFPA Standard 51A).
- Perform the task outside, if possible.
- When possible, place work at an optimal height to prevent fatigue and increase control of the operation.
- For overhead work, use a work platform as opposed to a ladder when practical and barricade the area under the work area to protect personnel from falling sparks and slag.
- Use the equipment only as it is intended to be used.
- Maintain the equipment properly and inspect it prior to use.
- Place a fire extinguisher (minimum 2A 20 BC rating) within 20 feet of the work area (may be manned by a standby person if required by the supervisor).
- After welding or cutting, mark hot metal or barricade to prevent inadvertent contact with the hot surface.
- Do not carry matches and especially butane lighters in pockets when welding/cutting.
- Follow special precautions when welding in confined spaces (i.e., do so only by confined space entry permit).
- Follow good housekeeping practices; do not throw rod stubs on the floor.
- MSDSs for welding gases and rods must be available in the workplace.
- Provide provisions to prevent the spread of slag/sparks, etc.
- After the work is completed, remain in the area for an additional 30 minutes to ensure that the potential for a fire producing environment is mitigated.
- Do not weld or cut tanks/containers that previously contained flammable materials until they have been purged. Purging will consist of the following:

- Allow all material to drain out for a minimum of five minutes.
- Steam or high-pressure rinse the container for 10 minutes.
- Return container to upright position and tap lightly with a mallet to loosen scale.
- Re-rinse container for another five minutes, and allow to drain thoroughly.
- Power wash the outside of container, and allow to dry.
- Test container atmosphere for flammable vapors.
- If purging cannot be performed because of the container size or location, the container will be filled with water to within an inch or two of the place where the work is to be done and the container top left open to vent during the work.

Hot Work Permit

- For Hot Work performed on Port Contractor, Inc. sites or locations where another Hot Work Permit is not specifically required a Permit must be filled out and approved by the Safety Manager for all Hot Work tasks to be performed outside of a designated and approved welding station.
- If Hot Work is to be performed at another location with their own required Hot Work Permit Form (example: Valero Refinery, Port of Wilmington, Port of Palm Beach), the required Hot Work Permit will be completed and a copy must be filed with the Port Contractors, Inc. Safety Manager. A Port Contractors, Inc. permit will not be needed.

Oxy/Fuel Welding and Cutting

- Cylinders
 - Cylinders must be placed far enough away or adequately shielded to be protected from slag or heat sources.
 - Cylinders must be moved, stored, and secured vertically (with caps on when not in use).
 - When used with a regulator that requires a wrench to shut off, a wrench must be attached for emergency shut-off.
 - When installing regulator, valve should first be cracked open to clear dust from valve.
- Hoses
 - The oxygen and fuel hose must be easily distinguishable from each other.
 - Fittings on each of the two hoses must be kept clean and capped when not in use and must not be interchangeable.
 - Hoses must be inspected to ensure integrity prior to use.
 - When not in use, hoses must be properly stored to prevent damage.

- When in use, hoses will be protected against damage (e.g., being run over, coming in contact with slag or heat sources).
- Regulators
 - Regulators must be maintained in proper working condition and inspected prior to use.
 - When a wrench is required to control flow, it will be permanently attached.
- Torches
 - Torches must be equipped with a flashback arrestor.
 - The tip must be cleaned/cleared with proper tools.
 - Torches will only be lit with a friction-type igniter.

Electrical Impulse and Arc Welding/Cutting

- Electrode Holders
 - Electrode holders will be of suitable size and construction to hold the rod.
 - Electrode holders will be fully insulated to include consideration for duty cycle of power supply.
 - Electrode holders must be inspected to ensure integrity prior to use.
- Cables
 - Cables will be fully insulated to include consideration for duty cycle of power supply.
 - Cables must be a minimum of 10 feet long without splices and must be maintained in proper working condition and inspected prior to use.

Ventilation

There are two types of ventilation: natural and mechanical. Mechanical ventilation includes local exhaust and area ventilation systems. PCI uses both types of ventilation, which includes a welding station with a weld hood exhaust drop and the use of fans to move smoke and fumes away from the welder. When setting up ventilation, the following should be considered:

- Ventilation of welding fumes away from the welder and out of the work area should be done in such a way as to not spread sparks or slag.
- Fans should be set at right angle to the welders face to blow fumes out of the area.
- Sufficient air movement must be maintained to eliminate fumes accumulating in other parts of the shop.

Ultraviolet Light and Nonionizing Radiation

Electric arcs and gas flames emit ultraviolet light and infrared radiation that is harmful to the skin and eyes. The following precautions will be taken:

- ❑ Welders (and welder's helpers) will be required to wear protective clothing and equipment to minimize these hazards. Specific items required will be communicated as part of the job lineup or posted in the vicinity of the operation.
- ❑ The work area will (to the extent possible) be isolated to eliminate the hazards to other workers.

Forms

The Hot Work Permit form can be found in the appendix of this manual.



Port Contractors, Inc.

PROCEDURE # 4: HAZARD COMMUNICATION

*Currently changing procedure to reflect GHS Regulations –Mike Alvin

Purpose

To ensure that all PCI employees, clients, contractors, and visitors receive information on the hazards presented by chemicals to which they may be exposed in the workplace.

Definitions

- ❑ **Hazardous Chemical List:** an inventory of all hazardous chemicals located in the work area
- ❑ **Safety Data Sheet (SDS):** a fact sheet prepared by chemical manufacturers to provide information to chemical users (information found on a SDS include chemical ingredients, PPE requirements, first aid, and firefighting procedures)
- ❑ **Trade Secrets:** an ingredient that the manufacturer chooses to withhold the specific identity of, however the properties and effects of any hazardous chemical components must be included in the SDS (in the event of an emergency, medical personnel will be able to contact the company for necessary information)
- ❑ **Label:** an identification tag or the like which is attached to each container of hazardous material (always contains the chemical name and hazards associated with its use)

Responsibilities

- ❑ Employees (who handle, use, or transport hazardous materials)
 - Conduct work activities in a safe manner.
 - Understand the hazards associated with chemicals to which they may be exposed.
 - Refer to SDSs when questions arise regarding chemical hazards.
 - Read and understand labels.
 - Label containers in accordance with this program.

- Supervisors
 - Ensure that all hazardous chemical containers are labeled in accordance with this program and an SDS is on file.
 - Ensure that employees, contractors, clients, and visitors are aware of the chemical hazards in the work area.
 - Ensure that a copy of any SDS obtained from a supplier or through a client is forwarded to the Safety Manager.
 - Advise workers of safety protocols to be used during non-routine tasks.
- Management
 - Ensure that all employees are aware of and receive training on this procedure.
 - Maintain SDSs for each inventoried chemical in a hard copy master file (the SDS Binder).
 - Ensure that employees, contractors, clients, and visitors are aware of the chemical hazards in the work area.
 - Approve chemicals for use.

Procedure

- Hazardous Chemical List
- An inventory of all hazardous chemicals will be completed for each site. The inventory form will then be forwarded to the main office for entry into the SDS Binder.
- SDS
 - An SDS for each hazardous chemical found in the workplace will be maintained by the Safety Manager (SDS Binder). The supervisor of each area will ensure that SDSs are available in the work area for employees to review as needed and will forward copies for new chemicals to the Safety Manager for placement into the SDS Binder.
 - SDSs are required for each chemical or hazardous material that is purchased or obtained for use in PCI offices or field operations.
 - Access to SDSs
 - If a shipment of material is received without an SDS, the supervisor should determine if an existing copy of the SDS is on file at the main office before allowing the material to be used.
 - Hazard Evaluation
 - The Safety Manager will review SDSs to determine acceptability of the product. If the product is determined to be unacceptable, the product may be prohibited from use.

□ Labeling

- Each container of hazardous chemicals must be labeled, tagged, or marked as follows:
 - Name of chemical as it appears on the SDS
 - Appropriate hazard warning
 - Name and address of the manufacturer (required if chemical is transported off the work-site).
- Labels on containers must not be removed or defaced. The label should be placed on the container so it is visible. Labeling requirements may differ from those stated in this program based on state regulations (the requirements listed herein apply to Delaware).
- When material is transferred from a labeled container to an unlabeled container, the information listed above must also be transferred onto the receiving container unless the container stays in the possession of the individual who transferred the material.

□ Training

- All employees will be trained prior to using hazardous materials. New employees will receive training as part of the orientation program. Prior to the introduction of a new chemical, employees will be re-trained as necessary.

□ Contractors and Visitors

- PCI contractors and visitors will be advised of any known chemical hazards that may be encountered while conducting tasks in the workplace. This information will be shared by the site supervisor, as part of the Safety with Task Assignments (STA). Also, contractors must inform the site supervisor of any chemicals or products they intend to bring into the workplace. Each chemical must be evaluated and, if accepted, accompanied by a SDS. (Note: PCI may also be required to comply with plant-specific requirements for HAZCOM if these requirements are more stringent.)



Port Contractors, Inc.

PROCEDURE #5: PPE AND HAZARD ASSESSMENTS

Purpose

To provide guidance on PPE selection, use, and limitations. Workplace and task-specific PPE requirements are provided in each area's Hazard Assessment.

Standard PPE for all non-office PCI employees will consist of a high-visibility vest, side-shield safety glasses, and safety toe footwear. Non-employee visitors need not comply with the PPE requirements, but they must be within close proximity (min. 3 feet) of an employee who is wearing a high-visibility vest, and they must comply with any guidance provided by the employee concerning hazardous work areas.

Definitions

- ❑ **PPE:** Devices that provide physical protection to various parts of the body (e.g., eyes, ears, hands, lungs, etc.) The specific PPE that is required in any situation is determined based on the task being performed, and is intended to protect employees from hazards in the workplace when engineering controls are not feasible. Note: Fall Protection and Respiratory Protection are discussed in more detail in separate Safety and Health procedures (i.e., procedures #8 and #10, respectively.)
- ❑ **Hazard Assessment:** An inspection of the workplace performed by a knowledgeable individual seeking to identify areas where hazards exist or are likely to exist for the purpose of selecting suitable PPE for exposed employees

Responsibilities

- ❑ Employees
 - Receive training on the contents of this procedure. In addition, the employee will be trained about the limitations of and the proper way to select, use, and maintain the PPE required of his/her job.
 - Comply with the PPE requirements established by PCI.
 - Notify his/her supervisor of problems resulting from PPE usage.

- Supervisors
 - Ensure that adequate training has been provided for his/her employees with regard to specific hazards in workspaces under his/her control.
 - Ensure the adequacy of PPE selected as a result of the Hazard Assessment.
 - Inform the Safety Manager of changes to equipment or materials that may require an additional Hazard Assessment.
 - Conduct audits on and enforce the requirements of this procedure.
- Management
 - The Safety Manager has responsibility to conduct hazard evaluations (i.e., a Hazard Assessment) of each area where PCI employees work.
 - Provide employees with PPE as required to protect them from workplace hazards and ensure the adequacy of employee purchased PPE.
 - Perform audits to ensure demonstrated proficiency in the care, use, and selection of PPE.
 - Train all affected employees on the proper care, use, and selection of PPE.

Procedure

- Hazard Assessment

A hazard assessment will be performed in each work area to initially establish PPE requirements for affected personnel in that area. The template provided in the appendix to this manual will be used by supervisors to perform the assessment. The supervisor should review each area and each specific activity, looking not only for existing hazards but those hazards that can reasonably be expected to occur through the course of work. In addition, the supervisor should review applicable MSDSs for PPE recommendations when using a specific material, and solicit comments from employees performing the work to determine if work practices can be modified to eliminate the hazards as opposed to controlling them.
- Hazard assessments may need to be reconducted when a significant change occurs in the workplace such as the use of a new chemical or the addition of new tasks or equipment.
- The completed assessment will be forwarded to the Safety Manager.
- PPE Recommendations

Upon review of the completed Hazard Assessment the Safety Manager will make recommendations for both engineering controls, when feasible, and PPE, when necessary.

All PPE selections will meet OSHA and, where applicable, ANSI standards. Once selected, PPE shall be used as recommended on a task or area specific basis.

- PPE Notification
To the extent possible, PCI will identify areas (i.e., signs) for which entry will require PPE as well as identify equipment for which the operator will be required to wear PPE. However, the lack of this notice will not relieve the employee from complying with specific direction from supervisors.

- PPE Availability
For those tasks and areas that require PPE, PCI will provide the necessary PPE to its employees. PPE will be available through the supervisor and the Safety Manager, and only approved PPE will be used.

Employees who chose to provide their own equipment must have it approved by the Safety Manager prior to its use.

- Types of PPE

The following types of PPE will be available for use by PCI employees:

- **Head Protection:** protective headgear or hats intended to provide protection against specific hazardous conditions. In general, PCI employees required to wear a hard hat will use a Type 1, Class E hard hat.
- **Eye and Face Protection:** protective equipment designed to reduce injuries to the eyes and face as a result of splash and flying debris. Selection is based on type(s) of hazards (i.e., flying particles, chemicals, radiation) and would typically include impact-resistant safety glasses with side shields, full-face shields, and welding goggles.
- **Hearing Protection:** protective equipment designed to reduce noise levels. PCI employees will use one of two types: disposable earplugs or earmuffs.
- **Respiratory Protection:** a device intended to filter contaminants from the air or provide clean breathable air to employees who use them. PCI has a specific procedure that deals with respiratory protection devices.
- **Torso and Full Body Protection:** protective equipment will include coveralls and items such as aprons for acid splash, leather coats for welders, and Tyvek® for eliminating dusts from getting on clothing.
- **Hand and Arm Protection:** primarily various types of gloves to provide protection from nicks, cuts, and chemicals. Specific composition of glove will be identified by the activity.
- **Foot and Leg Protection:** protective footwear (steel-toe boots) designed to protect the feet and legs against such items as falling materials/rolling objects and leggings designed to protect welders from flying sparks/slag.

- Training

Each employee required to use PPE will be trained to recognize when and what types of PPE are required.

Forms

The “Certification of Hazard Assessment for PPE” form can be found in the appendix of this manual.



Port Contractors, Inc.

PROCEDURE #6: CONFINED SPACE ENTRY

Purpose

To establish, document, and maintain a safe working environment for all personnel exposed to confined spaces.

Definitions

- **Confined Space:** any space or enclosure that satisfies *all* of the following requirements:
 - Is large enough and so configured that an employee can bodily enter and perform assigned work
 - Has limited or restricted means for entry or exit (e.g., tanks, vessels, silos, storage bins, hoppers, vaults, and pits)
 - Is not designed for continuous employee occupancy
- **Permit-Required Confined Space:** a confined space (see definition above) that has any of the following characteristics:
 - Contains or has the potential to contain a hazardous atmosphere
 - Contains a material that could engulf an entrant
 - Has an internal configuration such that an entrant could be asphyxiated or trapped because the area tapers downward to a smaller cross section
 - Contains any other recognized serious safety or health hazard

Responsibilities

The company is responsible for evaluating each potential confined space. The company will post signs at the entry of each permit-required confined space. A sample of approved sign wording is provided at the end of this procedure.

- Employees

- Unless specifically trained as a confined space entrant shall not enter permit required confined spaces.
- Supervisors
 - Ensure that personnel do not enter Permit Required Confined Spaces unless trained to do so.
- Management
 - Audit for compliance with this procedure.
 - Conduct an annual review of all PCI controlled areas to identify confined spaces and mark Permit Required Confined Spaces (See appendix for approved sign wording).

Procedure

- Confined Space Identification
 - Management will identify and post signs (if not already posted) at each permit-required confined space present on a company work site.
- Entry into Permit Required Spaces
 - The management of PCI has decided that its employees SHALL NOT ENTER PERMIT REQUIRED CONFINED SPACES. If an occasion arises in which entry into such a space is required, an external contractor will be hired to perform this service.
- Permit Completion
 - Any excavation work that will be performed on a PCI site will require an excavation permit to be filled out prior to the commencement of digging. If the excavation meets any of the permit confined space hazard definitions, a confined space entry permit will be required.
 - If entry into a Permit Required Confined Space is performed by a contractor, a completed confined space permit will be maintained on file for one year by the safety Manager.

Forms

The Confined Space Entry Permit and the Excavation Permit can both be found in the appendix of this manual.

Approved Sign Wording for Permit-Required Confined Space

**DANGER
PERMIT-REQUIRED CONFINED SPACE
DO NOT ENTER**



Port Contractors, Inc.

PROCEDURE #7: LOCK, TAG, AND TRY

Purpose

To specify minimum locking, tagging, clearing, and trying procedures necessary to prevent injury by the inadvertent operation of powered equipment (including electric, steam, gasoline, diesel, pneumatic, or hydraulic), the opening of valves, or the energizing of electrical circuits when an employee is exposed to a potential hazard.

Definitions

- ❑ **Danger Tag:** a tag bearing the statement “DANGER—DO NOT OPERATE” that is placed on equipment controls (e.g., valves switches) to inform all personnel that the tagged equipment must not be operated (these tags may not be used for any purpose other than to control hazardous energy sources)
- ❑ **Group Lock:** a lock placed on equipment by the supervisor of a work group for the protection of all members of that work group (see Attachment 1)
- ❑ **Group Tag:** a Danger Tag identified to show that it is protecting a group of individuals rather than one person (see Attachment 1)
- ❑ **Individual Lock:** a lock placed on equipment by a person for his/her own protection and for which no other person has a key (a person may have more than one individual lock operated by the same key, but no other person may have a key to those locks)
- ❑ **Individual Tag:** a Danger Tag placed by an individual for his/her own protection
- ❑ **Supervisor:** the person or organization owning or responsible for a piece of equipment

Responsibilities

- ❑ Supervisor (for each group working on equipment)
 - Ensure that the equipment to be locked out has been properly identified, tagged, locked out, and tried before personnel begin to work on or in the equipment.

- Ensure that adequate training has been provided for employees in regards to the lock, tag, and try requirement.
- Employees
 - Responsible for placing and removing their own individual locks and tags in accordance with this procedure.

Procedure

The supervisor of equipment being worked on must identify, tag (with Danger Tag), and lock all valves and switches for the equipment; clear any hazards; and try (i.e., attempt to start) the equipment to ensure that proper lockout has been achieved. **Electrical equipment must be locked and tagged at all points where it can be energized, including remote and automatic startup switches, possible backfeeds, and alternate feeds.**

- If personnel could be exposed to hazardous materials while working on pipelines or equipment, the section being worked on should be completely isolated by closing valves, depressurizing the system, and inserting blanks or removing sections of pipe.
 - The system should be depressurized before work is begun.
 - If, and only if, isolation by blanks or removal of pipe is not feasible, the system may be isolated by valves. Valves used for isolation must be located and must also be tagged by the supervisor and each individual who will work on the equipment.
- After the supervisor has locked, tagged, and tried the equipment, each individual who may be exposed to the possibility of injury will apply his/her individual tags and locks to the equipment. The individual will attempt to start the equipment to confirm that proper lockout has been affected. Note: The sequencing of the locks and tags is essential to this procedure. The supervisor must first lock out the equipment and any other employees who will be working on this will then apply their locks to the equipment. When all work is completed, the employees will remove their locks and the supervisor will lastly remove their lock.
- When work extends beyond the shift during which it was started, persons who placed locks must remove their locks and individual tags before leaving the job site. (The supervisor's lock and tag should remain on the equipment until it is ready to return to service.)
- Each individual must remove his/her own lock when his/her specific task is completed, even if the total job is still in progress.
- When the entire job is completed, the supervisor will check the equipment to ensure that it is ready for operation. The supervisor will then remove the supervisor's lock and tag.

- If an individual leaves the work site without removing his/her lock and/or tag, the individual's supervisor may remove the lock (with a bolt cutter because the supervisor will not have a key) and/or tag if the supervisor is confident that it can be removed safely.
 - Removal of an individual lock by anyone other than the person whose lock it is requires approval by the person's supervisor.
 - To prevent hasty removal of locks, a "Lock Removal Permit" (see appendix) must be completed.
- Group lockouts - Because of the magnitude or complexity of large jobs, an individual lockout procedure may be impractical. In this case, the following procedure may be followed if it is agreed to by the supervision of all work groups:
 - The supervisor will describe in writing the equipment to be worked on or the job to be done by group locking. This description will include all information necessary to isolate the work, including locking the valves, inserting blanks, and breaking electrical circuits. The completed description must be signed and posted.
 - The supervisor will lock out and place Danger Tags on the appropriate valves, switches, and other isolating devices in accordance with this procedure.
 - The supervisor of each work group (usually each subcontractor) working on the equipment will also place a group lock and group tag for his/her group on the appropriate valves, switches, and other isolating devices. Keys for locks will be placed in a lockbox at a designated location. The supervisor will sign the "Group Lockout Notice."
 - Each individual working on the equipment will satisfy himself/herself that the equipment has been properly isolated (or rendered inoperative). He/she will then lock the lockbox with an individual lock and place an individual tag on the lockbox.
 - If the job is not completed at the end of a shift, all locks and tags will be removed from the lockbox and from the field, except for the supervisor's locks and tags. Each subsequent shift must repeat Steps 3 and 4.
 - When the job is complete, tags and locks will be removed as in a normal job.

Forms

The Lock Removal Permit form can be found in the appendix of this manual.



Port Contractors, Inc.

PROCEDURE #8: FALL PROTECTION

Purpose

To identify, manage, and specify minimum fall protection requirements for all PCI employees and contractors working from or below elevated surfaces.

Definitions

- ❑ **Elevated Surface/Work:** an area where employee(s) will be required to work that is 6 feet or more above the next working surface, measured from walking surface to walking surface.
- ❑ **Approved Railing System:** a system placed between the employee and the fall hazard that is constructed to include a top rail, a mid-rail, and a toe board (see “Specifications” later in this procedure for typical construction specifications.)
- ❑ **Personal Fall Arrest System:** a PPE system supplied by PCI for employee use when engineering controls are impractical (consists of a full body harness, decelerating lanyard with a self-locking snaphook, and an identified anchor point capable of holding 5,000 pounds)
- ❑ **Safety Monitoring Plan:** a written plan maintained in the work area prepared by the supervisor and approved by the Safety Manager that allows employees to work from elevated areas under direct continuous monitoring by a safety observer, in lieu of a protection system (a template for such plans is provided in the appendix to this manual.)

Responsibilities

- ❑ Employees
 - Comply with provisions of this procedure as applicable to their work.
 - Work with his/her supervisor to identify and control the hazards associated with falling from or being struck by objects falling from elevated work areas.
- ❑ Supervisor
 - Ensure that all provisions of this procedure are adhered to during the course of work covered by this procedure.

- Assist management in identifying probable locations where elevated work will be performed.
 - In those instances where a Safety Monitoring Plan is used, assist in preparing the plan and function as the competent person monitoring the activity or assign a designate to monitor the activity.
- Management
- Ensure that employees exposed to hazards associated with falling from or being struck by an object falling from an elevated work area are trained to recognize and respond to these types of hazards, as outlined in this procedure.
 - Provide a qualified person to design and oversee the implementation of protective systems.
 - Audit to ensure proper usage of protective systems to reduce these types of hazards.
 - Review and approve Safety Monitoring Plans.

Procedure

Elevated work surfaces present two major hazards to PCI employees: falling from or through the surface and being struck by objects that fall from the surface. To reduce these hazards, employees must first be trained to recognize these hazards and how to protect themselves.

- Elevated work areas will be evaluated by supervisors to:
- Determine if the work surface is greater than 6 feet from the next surface (measured from walking surface to walking surface).
 - Inspect the integrity of the walking/working surface.
 - Determine which of the three previously described fall protection systems will be implemented prior to assigning work.
 - Identify the hazards associated with the activity as part of the STA (Safety Task Assignment).
- If the supervisor determines that a personal fall arrest system will be used, he/she must also identify the anchor point(s) to which employees will attach, decide on a rescue method, and brief personnel on the contents of this procedure and their specific role in the event of an emergency.
- If employees are to use a fall arrest system, it will include those items already discussed (see "Definitions" above) and will be used as follows:
- All equipment will be inspected by the user prior to use.
 - The lanyard will be attached to the identified anchor point(s) only. When the nature of work requires frequent movement the use of two lanyards may be required to provide 100% protection.

- The lanyard will be attached so that the fall will be no more than 6 feet, allowing 3½ feet for the deceleration portion of the lanyard.
- If the supervisor decides that a Safety Monitoring Plan will be used, he/she will:
 - Complete the plan and submit the plan for approval prior to beginning work.
 - Function as or designate a competent person/monitor which involves the following:
 - Being close enough to communicate orally
 - Ensuring that only those employees identified on the plan are exposed
 - Ensuring that employees comply with warnings
 - Have no other duties which interfere with ability to monitor
- If no PCI personnel will be working on the elevated area but may be exposed to material falling from the area, the supervisor will:
 - Require the use of eye, head, and foot protection for his/her employees.
 - Barricade those areas of highest potential to preclude employee exposure.
 - Recommend the installation of toe board/mesh to eliminate the possibility of falling debris.

Fall Protection System Specifications (1926:502)

- Guardrails
 - Top rail height = 42 inches ± 3 inches
 - Mid-rails 21 inches high
 - Intermediate members/openings no greater than 19 inches
 - Withstand 200-pound downward/outward force
 - Mid-rails 150-pound downward/outward force
 - No steel or plastic banding
 - Wire rope top rail flagged every 6 feet
 - All rails ¼-inch diameter or greater
- Aerial Lifts – Boom Platforms
 - To help keep workers inside guardrails or in buckets, OSHA requires either a full-body harness or a positioning device on bucket trucks or boom supporting lifts. OSHA accepts a positioning device (belt) with a short lanyard, if there is an anchorage inside the bucket (29 CFR 1926.453).
- Scissor Lifts
 - Scissor lifts fall under the mobile scaffold regulations. As such, guardrails are considered sufficient worker protection (29 CFR 1926.451).

Forms

The Safety Monitoring Plan form can be found in the appendix of this manual.



Port Contractors, Inc.

PROCEDURE #9: LADDER SAFETY

Purpose

To provide guidance on the types and proper use of ladders and to enable each employee to recognize the hazards related to ladders.

Definitions

Type 1A ladders are ladders having a load capacity of 250 to 300 pounds.

Responsibilities

- Supervisors
 - Receive training on the requirements of ladder safety and are responsible for training those employees using ladders on proper types, usage, and hazard recognition.
- Employees (who use a ladder for any purpose)
 - Be trained on the proper use of and is responsible for ensuring that the proper ladder and applicable procedures are utilized.

Procedure

A ladder will be used at all personnel points of access where there is a break in elevation of 18 inches or more and where no ramp, runway, sloped embankment, or personnel hoist is provided. The general procedures are as follows:

- Every ladder must be inspected before use.
- Defective ladders must be tagged with “Do Not Use” and removed from service.
- Painted wooden ladders are not permitted.
- All ladders will have appropriate shoes or footings.
- Only one person at a time will occupy a ladder.

- ❑ Type 1A ladders, or better, should be used.
- ❑ When working from ladders, work facing the ladder with both feet on the rungs. Hold on with both hands while ascending and descending. Use a handline to raise or lower materials.
- ❑ If facing the ladder is not practical or when work requires both hands, fall protection will be worn and properly anchored.
- ❑ Change the position of the ladder as often as necessary to keep within reach of work.
- ❑ Access to and from ladders must be free of clutter.

Straight or Extension Ladders

- ❑ Every straight or extension ladder will be adequately tied off or held by a “ground man”.
- ❑ The top of a straight or extension ladder will extend at least 3 feet beyond the supporting object when such a ladder is used as access to an elevated work area.
- ❑ Follow the 1 to 4 rule. Set the base of the ladder 1 foot out from the wall for every 4 feet of ladder height.
- ❑ After the extension section has been raised to the desired height, ensure that the safety dogs or latches are engaged and that the extension rope is secured to a rung on the base section of the ladder.
- ❑ Do not work from the top three rungs of any straight or extension ladder.

Stepladders

- ❑ Do not stand or sit on the top of a stepladder.
- ❑ Do not stand on the step below the top of any stepladder over 3 feet high.
- ❑ Do not use a stepladder as a straight ladder.
- ❑ Ensure that the stepladder is level on all four feet with the spreaders locked in place.
- ❑ Stepladders 8 feet tall and taller should be tied off or attended when in use.
- ❑ Tie off a stepladder when using it close to the edge of an elevated platform, roof, or floor opening, and utilize fall protection.



Port Contractors, Inc.

PROCEDURE #10: RESPIRATORY PROTECTION

Purpose

To establish guidelines and protocols for respirator training, selection, use, fit testing, inspection, maintenance, cleaning, and storage for PCI employees who may be required to use respiratory protection.

Definitions

- ❑ **Exposure Limit:** the maximum acceptable concentration of an airborne substance that the average worker can be exposed to eight hours/day, five days/week, for 30 years without experiencing adverse effects
- ❑ **Airborne Contaminants:** a concentration of one of the following substances in air:
 - Dusts—solid particles dispersed or released as a result of physical processes such as grinding or earth moving
 - Fumes—solid particulates formed by the condensation of vaporized material, such as that formed by welding on steel
 - Vapors—the gaseous form of substances that are normally in the solid or liquid state at normal room temperature and pressure
 - Gases—substances that are at their normal physical state at room temperature, such as oxygen or carbon monoxide
 - Mists—a dispersion of liquid particles that are visible
 - Fog—visible liquid formed by condensation, smaller than mists
 - Smoke—suspended solids formed by incomplete combustion
- ❑ **Cartridge Breakthrough:** when the upper concentration limit of known airborne contaminant(s) is/are exceeded in the breathing zone. These contaminants pass through the cartridge and are usually experienced as a sensation of odors or respiratory irritation; cartridge breakthrough also occurs when the cartridge is not capable of screening out the contaminant.

Responsibilities

- Employees (who are required to wear respiratory protection)
 - Receive formal training, a medical evaluation, and fit testing before being assigned to tasks requiring use of a respirator. Additional training will be provided by employee supervisors as required.
 - Use and maintain the equipment as specified during training.
- Supervisors
 - Ensure that employees are qualified to wear respiratory protection prior to assigning them a task that may require its use.
 - Maintain an adequate supply of the necessary respiratory protection equipment for his/her area.
 - Conduct audits as necessary to ensure compliance with the requirements of the program.
- Management
 - Implement, maintain, and enforce the requirements of this procedure. The Safety Manager will facilitate the required employee training, select the types of equipment to be used, and maintain the necessary records (including training, medical qualification, and fit testing). In addition, the Safety Manager will evaluate the respiratory protection program on an annual basis to incorporate any changes or revisions as necessary.

Procedure

Material Safety Data Sheets should be reviewed for each substance used in the workplace. Airborne contaminants and concentrations of substances associated with handling the material should be evaluated in order to determine the acceptable exposure limits of the material.

The preferred method to eliminate airborne contaminants is the use of engineering controls (e.g., ventilation, the use of alternate work practices or materials). To the extent feasible, PCI will implement and require employees to adhere to these types of controls as opposed to using respirators.

PCI employees who by virtue of their job are required to wear a respirator will be fully trained to recognize the limitations of the respirator and the proper way to use, maintain, and store respiratory protection.

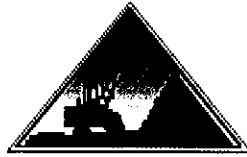
Areas and activities that may require the use of respiratory protection have been evaluated and identified. Site-specific procedures for each work area and/or task requiring the use of respiratory protection are provided in the workplace hazard analysis for the particular area. Each area supervisor will train their employees on these activities and locations and instruct them on the location and proper use of available respiratory protection.

- **Respirator Training**
Respiratory protection training is the most important aspect of the respiratory protection program. This training gives the employee a basic understanding in the selection, use, fit testing, inspection, maintenance, cleaning, and storage of respirators. This training is also required of supervisors whose personnel are covered by this program. The introduction to respiratory protection training is included at the end of this procedure.
- **Types of Respirators**
There are two basic types of respirators that PCI employees may use. The Safety Manager will designate when and where each type will be used.
 - **Filtering Face Piece:** This is the most frequently worn respiratory protection device. These “dust mask” type respirators are only to be worn for particulate hazards. They are available from supervisors as needed.
 - **Air Purifying Respirators (APR):** Air-purifying devices are used to cleanse a contaminated atmosphere. Air is drawn through a filter to remove specific gasses, vapors, dusts and mists. Types of air-purifying respirators that may be used by PCI employees include half-face masks and full-face masks.

The following guidelines must be followed when respiratory protection is used:

- Respiratory protection will be used only after engineering controls or work practices are determined not to be feasible.
- Only qualified personnel will wear a respirator. To be qualified, the employee must be medically certified to wear a respirator, fit-tested within the past 12 months, and have received respirator training. Facial hair that interferes with the face-to-face piece seal is prohibited.
- Ordinary eyeglasses are not permitted with full-face respirators. Only eyeglass inserts that do not pass between the sealing surface and the face are permitted.
- All personnel must be able to recognize emergencies associated with respirator use such as cartridge breakthrough and breathing resistance.
- All personnel must inspect respirators prior to use.
- Employees will use the respirator as instructed, guard against damage, keep it clean, and report malfunctions and any of the following to their supervisor:
 - Discomfort
 - Breathing resistance

- Fatigue
- Interference with vision
- Interference with communications
- Restriction of movement
- Interference with job performance
- Lack of confidence with the respirator



Port Contractors, Inc.

PROCEDURE #11: WORKPLACE AUDITING

Purpose

To instruct personnel on how to conduct inspections of the workplace (to include offices) and provide checklists to use as references. The checklists (see appendix) are not meant to be all-inclusive and should be supplemented as deemed appropriate at the time of the inspection. By the same token, the entire checklist form need not be completed for any one audit.

Definitions

N/A

Responsibilities

- Supervisor
 - Responsible for conducting audits every quarter and ensuring that discrepancies are corrected in a timely manner (generally that same day) and forwarding completed checklists to the Safety Manager.
 - Responsible for conducting Safety Task Assignments (STA) during morning briefings with the workforce whenever it is necessary to document discussion of changes to hazards, procedures, PPE or recent safety incidents. The STA sign-in sheet (attachment) should be filled out and kept on file by the supervisor conducting the briefing.
- Operation Manager
 - Responsible for maintaining a master list of uncorrected discrepancies and prioritizing the distribution of funds to correct the discrepancies.
- Safety Manager
 - Responsible for reviewing the completed inspection checklists for trends. Maintain completed inspection checklists for one year.

Procedure

- When practical, ask an employee to join in the inspection.
 - Decide on focus.
 - Observe the work scene, first looking for your selected focus.
 - Look for positive safety actions and attitudes.
- Observe the following:
 - Peoples' actions
 - Housekeeping
 - Driving
 - Peoples' safety interests
 - Personal protective equipment use
 - Tools
- Discuss your observations with the people observed, including the following:
 - Mention the positives observed.
 - Involve the people observed in a discussion about safety, weaving in the observations.
- Summarize findings and submit to Safety Manager.

Forms

The following forms can be found in the appendix of this manual:

- Field Safety Audit Checklist
- Building Safety Audit Checklist
- Safety Task Assignment Sign-in sheet



Port Contractors, Inc.

PROCEDURE #12: MOBILE EQUIPMENT

Purpose

To provide guidance on the safe operation of mobile equipment

Definitions

The definition of mobile equipment would include but is not limited to forklifts, loaders, excavators, bulldozers, aerial devices, and tractors.

Responsibilities

- Supervisors
 - Are responsible for training employees who will operate mobile equipment.
 - Safety Manager will certify and evaluate all forklift operators

- Employees (who operate mobile equipment)
 - Must be trained on the safe and proper use of equipment they will operate.

Procedure

- All employees operating mobile equipment must read and be familiar with the safety manual for the equipment they will be operating. Safety manuals for mobile equipment are typically maintained with the equipment or will be provided by supervision.
- Mobile equipment operators must be instructed and approved by supervision before they will be permitted to operate equipment.

- ❑ OSHA specifically regulates the use of forklifts to persons who have been trained and certified on their use. Only those individuals who have been certified and approved by the Safety Manager will operate forklifts, except when the individual is undergoing training and their supervision is in the process of instructing them on safe and proper operations.
- ❑ General Mobile Equipment Safe Work Procedures:
 - ❑ Inspect equipment before each use. Operator equipment checklists are to be filled out and returned to supervision by each individual using the equipment on a daily basis. Forms for this purpose can be found in the appendix of this manual.
 - ❑ When mounting any mobile equipment, maintain 3 points of contact with the access system and face the machine
 - ❑ Equipment will be operated in a safe manor at all times, keeping the load under complete control.
 - ❑ Operators must remain alert for any pedestrians in the work zone.
 - ❑ Passengers are not permitted on mobile equipment that is not equipped with additional seating.
 - ❑ Do not exceed the lifting capacity of forklifts or other lifting equipment.
 - ❑ Operators shall use seat belts or other restraints where provided.
 - ❑ Allow the engine to cool before refueling or performing maintenance on equipment with internal combustion engines
 - ❑ Smoking or open flames will not be permitted near equipment when refueling.
 - ❑ All equipment will be secured in the proper manor at the end of the work shift. Forks, blades or buckets shall be lowered to ground level.
 - ❑ A clearance of 10 feet must be maintained for all equipment capable of having parts of its structure elevated near energized overhead lines. If the voltage of overhead lines is greater than 50kV, the clearance must be increased an additional 4 inches for every 10kV.
 - ❑ Identify all underground locations before starting work. Contact the MISS UTILITY digger hotline before starting work around any gas lines, water pipes, telephone lines, sewer lines or power cables.
 - ❑ Operator s must remain within 25 feet of all equipment while it is powered on.

Equipment Specific Safe Work Procedures:

- ❑ Forklift
- ❑ Examine forklift (safety inspection) before operating
- ❑ Use 3-point technique for getting on/off forklift

- Seat belts must be worn if forklift is equipped
- Keep arms and feet confined inside forklift
- Do not give anyone a ride
- Do not drive up to anyone standing in front of fixed objects
- An unattended forklift is when the operator is more than 25 ft. away or out of sight of the forklift – turn off power
- Stay a minimum of three truck lengths behind other trucks
- Maintain forks at a safe height and position while operating
- Tips of forks should be on the ground when stopped to prevent a tripping hazard.
- Know your forklift design & capacity (Identification Plates)
- Do not allow anyone to walk or stand under load
- The brakes of highway trucks shall be set and wheel chocks placed under the rear wheels to prevent the trucks from rolling while they are boarded.
- Loader
- Only trained operators that have been approved by supervision are permitted to operate loaders.
- Examine the loader before starting. Perform a check of all operating systems before work begins
- Clear the area of all persons before starting the loader
- Stay in the operators seat at all times and use the seatbelt provided
- Assure that the work area is clear of persons while operating
- Loaders are one person machines, never permit riders
- Never use a bucket for a work platform or personnel carrier
- Always look around before backing up
- Never lift a load over anyone
- Avoid steep slopes or unstable surfaces
- Ground the loader bucket in a safe manor while parked
- Excavator
- Only trained operators that have been approved by supervision are permitted to operate Excavators
- Clear the area of all persons before starting the excavator
- Stay in the operators seat at all times and use the seatbelt provided
- Assure that the work area is clear of persons while operating

- ❑ Excavators are one person machines, never permit riders
- ❑ Avoid steep slopes or unstable surfaces
- ❑ Always look around before backing up
- ❑ Never lift a load over anyone
- ❑ When parked, lower the blade or bucket to the ground
- ❑ Aerial Platform (articulated boom devices)
- ❑ Only trained operators that have been approved by supervision are permitted to operate aerial platforms.
- ❑ Examine the aerial platform before starting. Perform a check of all operating systems before work begins
- ❑ Always use a fall protection device and attach the lanyard to the anchor point
- ❑ Know the capacity and operating characteristics of the machine, including maximum permitted ground slope
- ❑ Latch platform door
- ❑ Keep others away from vehicle with boom in operation
- ❑ Use outrigger pads (when applicable)
- ❑ Always wear a hardhat when working from an aerial platform
- ❑ Use traffic cones or other barriers to mark an area around the vehicle and to identify the area below the boom and basket
- ❑ Always use wheel chocks
- ❑ Never lift the basket over anyone
- ❑ Avoid steep slopes or unstable surfaces
- ❑ Dozer / Skid Steer
- ❑ Only trained operators that have been approved by supervision are permitted to operate dozers or skid steers.
- ❑ Examine the dozer or skid steer before starting. Perform a check of all operating systems before work begins
- ❑ Clear the area of all persons before starting the dozer or skid steer
- ❑ Stay in the operators seat at all times and use the seatbelt provided
- ❑ Assure that the work area is clear of persons while operating
- ❑ Dozers and skid steers are one person machines, never permit riders
- ❑ Always look around before backing up
- ❑ Never lift a load over anyone
- ❑ Ground the dozer or skid steer bucket in a safe manor while parked

- ❑ Tractor
- ❑ Only trained operators that have been approved by supervision are permitted to operate tractors.
- ❑ Examine the tractor before starting. Perform a check of all operating systems before work begins
- ❑ Stay in the operators seat at all times and use the seatbelt provided
- ❑ Assure that the work area is clear of persons while operating tractor an before engaging PTO
- ❑ Tractors are one person machines, never permit riders
- ❑ Always look around before backing up
- ❑ Before disconnecting hydraulic lines, be sure to relieve all pressure.
- ❑ Avoid rough terrain, steep slopes, holes, ruts, rocks, stumps or other obstructions that could overturn tractor or mower

Forms

The PCI Operators Equipment Checklist form can be found in the appendix of this manual. This form is also available in pre-printed pads.



Port Contractors, Inc.

PROCEDURE #13: SUB CONTRACTOR SAFETY

Purpose

To provide guidance for sub-contractors working on Port Contractors, Inc. sites.

Definitions

- ANSI - acronym for American National Standards Institute.
- 29 CFR – Occupational Safety & Health Standards
- **Material Safety Data Sheet (MSDS)** – a fact sheet prepared by chemical manufacturers to provide information to chemical users. Information found on an MSDS includes chemical ingredients, PPE requirements, first aid, and firefighting procedures.
- NEC – acronym for National Electric Code

Responsibilities

- Contractors
 - Follow all aspects of this procedure.
- Management
 - Unsafe work practices or safety concerns should be brought to the attention of the sub-contractors' management and Port Contractors Safety Manager.

Procedure

- Safety Requirements
 - The Contractor's work shall be performed in an orderly workman-like fashion following the instructions set forth in the contract and these guidelines.

□ Safety Programs

- Before starting work, Contractor may be required to submit, for Port Contractors Inc. (PCI's) review, its written safety program that all Contractor's employees shall follow while on the job site.
- Each contractor is responsible for managing their own Health and Safety program. A copy of the contractors program must be available for inspection either on site or retrievable within a reasonable time (8 hours). Minimum acceptable program shall meet OSHA requirements.
- If discrepancies are found in the safety requirements, the precedence of documents shall be:
 - Federal regulations, State regulations, Local regulations, Site Specific
 - General safety instructions
 - Contractors safety program
- Contractor shall provide a "competent person" for all work requiring such competency by OSHA regulations. Several of the types of work requiring a competent person include, but are not limited to, the following:
 - Scaffold erection
 - Excavations
 - Crane inspections

□ Safety Training

- The Contractor's job supervisor shall ensure that safety training (at a minimum that training required by 29 CFR 1910 and 1926) is carried out before personnel start work and continues throughout all phases of the work. The Contractor shall inform each employee of his/her responsibility to work safely, prevent occupational injury, and report all injuries.

□ Safety Orientation

- Prior to starting any field activities, the following orientations will be required:
 - Pre-work review
 - Site orientation
 - Site/area evacuation procedures
 - Daily job line up meetings

□ Protective Clothing

- Shirts covering the shoulders and trousers covering the legs/ankles shall be worn at all times when working on Port Contractors, Inc. sites.
- Contractors shall wear steel toe boots, safety glasses with side shields while in the designated work area or as required by the contractor's safety program if more restrictive.
- Hard hats shall be worn if overhead work is to be performed and shall conform to ANSI Standard Z89.1.
- Steel-toe boots shall conform to ANSI Standard Z41.1.
- High Visibility Vests shall be worn when work is to be performed around heavy moving equipment or near moving traffic.
- Minimum Eye Protection approved for use must be ANSI-Z87.1 approved safety spectacles with cup type or curved side shields.
- Gloves
 - Suitable gloves shall be worn while performing tasks which could result in hand injury. Leather gloves shall be worn for tasks presenting a hazard of contusion, abrasion, or pinching i.e., routine material handling, working with handtools, etc.
 - Gloves shall not be worn when they increase hazard potential (i.e., when working with rotating equipment).

□ Contractor Visitors / Deliveries

- Contractor's on-site visitors shall comply with the above requirements. Contractor suppliers performing on-site labor shall also be required to wear this equipment.
- Personnel protection items shall be furnished as a part of the Contractor's bid and shall be furnished at no additional cost to PCI.

□ Barricades

- The Contractor shall furnish, erect, maintain, and dismantle all barricades required for their work.
 - Barricades are required:
 - Around crane swing area. Post overhead work signs.
 - To define outer limits of high noise areas.
 - Around excavations.
 - Barricades shall be either warning (tape and stand) or protective (rigid).

- Warning barricades shall be highly visible tape on stands or posts acceptable to PCI.
 - Stands or posts shall be weighted or otherwise secured so they remain erect.
 - Protective barricades shall consist of guardrail and mid-rail meeting OSHA definition of "standard railing,"
- Construction Equipment
- All construction equipment shall be operated in accordance with manufacturer's recommendation by certified trained operators.
 - The Contractor shall comply with the provisions set forth by OSHA for the operation, control, and inspection of major equipment.
 - Truck-mounted, hydraulic, telescoping boom cranes shall not be moved until the boom is fully retracted and lowered into the boom cradle, if provided and the hook is secured in a tie-down lug at some point on the truck frame.
 - Each custom designed, job-made lifting accessory (e.g., grabs, hooks, clamps, etc.) shall be marked to indicate the safe working load and shall be tested, prior to use, to 125 percent of their rated load [Reference OSHA Section 1926.251(a)(4)].
 - All earth moving equipment, or any vehicle/equipment having the view to the rear obstructed, shall be equipped with audible backup alarms as per 29 CFR 1926.601(b) (3).
 - Access to, and egress from, vehicles i.e. crane cabs, backhoes, etc., shall be achieved by built-in ladder and/or hand holds provided by the equipment manufacturer. If not available the Contractor shall provide a properly positioned and secured ladder or other approved method.
 - The Contractor shall comply with the following requirements for aerial work platforms, man lifts, scissors lifts or bucket trucks:
 - Operator shall be trained at the Contractor's expense.
 - Occupancy by more than two people will not be permitted.
 - Personnel shall use safety harnesses with the lanyard secured to the platform or boom.
 - Personnel shall perform their work while standing on the platform floor. Standing on the top rail, mid-rail, or toe board will not be permitted.
 - Before equipment travel, the boom must be fully retracted and lowered to the horizontal position.

- The manufacturer's operating instructions shall accompany the device.
 - Cranes and lifting equipment must be equipped with anti-two-block protection device. Protection may be either positive shut-off or alarm type.
 - Trucks will be inspected and must meet DOT requirements
- Access/Egress
- Access to exit doors, electric panels, fire extinguishers etc. shall not be blocked at any time.
- Ladders
- All ladders and stairways shall meet the requirements of 29 CFR 1926.1050 to .1060 and 1910.21 through 1910.29. Ladders shall be rated Type 1A. A ladder shall be provided at all personnel points of access where there is a break in elevation of 19 inches or more, and no ramp, runway, or sloped embankment is provided.
 - Trestle ladders and extension trestle ladders shall not be used as stepladders.
 - Step ladders shall not exceed 12 feet in height. Straight ladders shall not exceed 30 feet in length. Extension ladders shall not exceed 60 feet in length.
- Electrical Safety
- All electrical work shall be performed by qualified personnel in accordance with applicable NEC codes and local ordinances.
- Ground Fault Protection
- Contractor shall provide ground fault circuit interrupter (GFCI) protection of all cord sets, receptacles, and electrical tools and equipment connected by cord and plug.
 - Portable generators to be used on site must provide positive GFCI protection.
- Gas Cylinders
- Compressed gas cylinders shall be secured vertically to an adequate support while in storage, transit, or use. The protective cap must be on during storage or transit. Compressed fuel gas cylinders and oxygen cylinders shall be stored not less than 50 feet apart unless connected to a torch rig.

- Projecting Materials
 - Reinforcing steel or similar material projecting above horizontal surfaces shall be protected on top to prevent injury.

- Reporting Injuries
 - The Contractor shall immediately notify Supervision of all injuries or potentially serious hazards.

- Hazard Communication
 - Contractor shall comply with OSHA Hazard Communication Standard 1910.1200 and all applicable state and local hazard communication requirements, including the following:
 - The Contractor must have a written hazard communication program, a copy of which will be available on site or retrievable within an eight hour period.
 - Contractor employees will be trained in handling all hazardous materials in accordance with state and federal standards.
 - All containers for hazardous materials will be properly marked/labeled and accompanied by an MSDS.

- Excavations
 - The Contractor shall comply with OSHA Excavations Standard, 29 CFR 1926 Subpart P, and all applicable state and local excavations/trenching requirements including the following:
 - The Contractor must have identified a competent person on site during excavation or trenching activities.
 - Daily inspections shall be performed by the competent person.
 - Records of the daily inspections shall be kept on site.

- Scaffolds
 - Metal scaffolds shall comply with the requirements of the 29 CFR 1926.451 and 452. No less than two persons will be used to erect or dismantle scaffold. Where fall hazards cannot be eliminated during the erection or dismantlement of scaffold, fall arrest systems, meeting the requirements of the law shall be used. Passageways under a scaffold require the installation of No.19 gauge U.S. standard wire ½- inch mesh screen between the toe board and mid-rail, extending the length of the passageway.

- Decking will be completed with manufactured two-inch scaffold rated planking or manufacturer's metal decking. Planking shall overlap no less than 12 inches and shall extend between six and 12 inches beyond supports. Minimum deck width is two planks wide. Decking is to be secured in place with manufacturer's locking devices or No. 9 wire. Toe boards shall be a minimum of four inches in height and secured to the scaffold or handrail frame. No openings between the decking and toe board, or between sections of toe boards, shall exist. Access to scaffold decks and working platforms of scaffold shall be provided using a ladder or stairwell.
- Fall Prevention Protection
- Continuous 100% fall protection will be required to prevent personnel from falling from elevated areas (defined as 6 feet above the next surface). Engineering methods such as a system of handrails, mid-rails, and toe boards or hole covers are the preferred method of fall prevention.
 - The proposed method(s) of fall protection for each task, using in order of preference:
 - Elimination of fall hazards (thorough engineering means).
 - Prevention of falls (by changing work procedures or the work environment).
 - Control of falls (through the use of fall arrest equipment). Fall arrest systems should include:
 - Full-body harness system
 - Anchorage connector
 - Lanyard
 - Energy shock absorber
 - Self-locking snap hook
 - Retractable lifelines
- Control of Stored Energy
- The Contractor shall comply with 29 CFR 1910.147, to control the hazards associated with mechanical and electrical systems. A PCI supervisor shall be consulted prior to any lock out procedure.
- Safety Violations
- Employees who repeatedly violate safety requirements will be denied access to the job site. In the event of OSHA violations or unsafe practices involving imminent danger to personnel, immediate action

shall be taken to stop work and correct the hazardous situation. If violations continue or corrective actions are not taken after a reasonable period of time PCI reserves the right to terminate the contract.

FIRE PROTECTION

- Smoking
 - Smoking is not permitted in any PCI building or within 25 feet of any flammable liquid storage.

- Fire Extinguishers
 - The Contractor shall furnish a sufficient number of fire extinguishers to protect his work area and material storage area(s), and to comply with state and county requirements and National Fire Protection Association (NFPA) recommendations.

- Oily Rag Storage
 - Dirty and oily rags shall be kept in Contractor-furnished fire proof metal containers with self-closing lids. The Contractor shall dispose of rags off site as needed.

- Protective Structures
 - Any plastic, tarpaulin, or other material used to construct a hut, tent, or similar protective structure, shall be flame retardant.

- Burning and Welding Equipment
 - All oxy-fuel burning and welding units shall be equipped with combination flashback arrestors and check valves between the torch and hoses and at the regulator.
 - All users of oxy-fuel burning and welding equipment shall be trained in safe operating techniques.
 - One portable fire extinguisher having a rating of not less than 2-A:20-B:C, shall be kept at each location where welding or cutting is to be performed, and one portable fire extinguisher having a rating of not less than 2-A:20-B:C shall be attached to all portable welding machines and burning carts. Permanently mounted fire extinguishers can be used in an emergency. Discharge of these extinguishers must be immediately reported.

- All burning and welding equipment will be used in accordance with the manufacturer's recommendation. Prior to use of this equipment the PCI supervisor must be consulted.
- Fire Watch
 - A dedicated fire watch is required for all burning, welding, and grinding, unless the work is located in a specially designated welding area approved by PCI.

CONSTRUCTION FACILITIES

- Parking
 - The Contractor's employees shall park in an area designated by PCI.
- Site Access
 - Normal site working hours will be between dawn and dusk (*6:00am to 6:00pm*), *Monday through Friday*, or as discussed at the time the contract is awarded.
- Observed Holidays
 - The Contractor shall not schedule work on Port Contractors, Inc. observed holidays without the express written permission of PCI.

Holiday

New Year's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving
Day after Thanksgiving
Christmas

- Drinking Water and Sanitary Facilities
 - The Contractor shall provide adequate drinking water for its employees. Both potable and non-potable water shall be clearly marked. Sanitary facilities and hand washing facilities may be provided by PCI at its' discretion.

- Electric Power
 - The Contractor will be responsible for electrical power.
- Compressed Air
 - The Contractor shall provide his own source of compressed air. The Contractor shall provide suitable airlines for same.

HOUSEKEEPING

- Clean Up (Construction Waste and Scrap)
 - The Contractor shall promptly clean up and remove (daily) from the work area all scrap materials and waste materials that accumulate from his operations.
- Waste Material Control
 - The Contractor shall dispose of waste equipment oil off of the job site.
 - The Contractor shall ensure that his operations comply with the oil spill prevention provisions of 40 CFR 112. Further, the spill of oil or any other foreign substance onto the ground is prohibited and must be promptly remedied.
 - Contractor shall provide metal containers for the collection and separation of waste, trash, and other refuse. Containers shall be equipped with covers.
- Snow Removal
 - Contractor shall include, in its proposal, the cost of snow and ice removal from its work areas, and other construction facilities in its use, including walkways between these areas.

WORKING CONDITIONS

- Coordination with Others
 - Where the Contractor's work must be performed in conjunction with work by others, the Contractor shall cooperate with the PCI contract administrator in regards to scheduling, coordinating, and sequencing his work with that of others so that all work may proceed safely with minimal interference or delay.

□ Co-Occupancy

- The Contractor shall provide all measures required to protect existing facilities and work performed by others from damage due to the Contractor's (including tier subcontractors') operations or negligence.

□ Permits

- Work permits will be required, and shall be provided at the pre-construction meeting by the contract administrator
- The need for Hot Work permits will be discussed at the pre-construction meeting.
- Vessel or confined space entry permits will be required daily for any work inside a vessel or confined space (i.e., any area which must be entered through a restricted opening, such as tanks, vessels, ductwork, vessel skirts, manholes, etc.). PCI will provide Contractor with the necessary permits before work in the vessel or confined space will be permitted to start. Contractor shall request the permit two work days before the work is scheduled to start. The contractor shall perform the initial atmospheric tests and continuous monitoring. Contractor shall furnish all protective and emergency equipment as required. Contractor shall utilize personnel trained for confined space entry.
- An excavation permit will be required for each area to be excavated. The contractor is responsible for ensuring the area has been cleared of subsurface utilities before initiating any excavation.



Port Contractors, Inc.

Appendix 1 - Forms

Overview

- Safety and Health Manual Acknowledgement of Receipt

Procedure #1 – Incident Reporting

- Internal Incident Report Form

Procedure #2 – Mustering and Evacuation

- Emergency Action Plan

Procedure #3 – Hot Work

- Hot Work Permit

Procedure #5 – PPE and Hazard Assessments

- Certification of Hazard Assessment for PPE

Procedure #6 – Confined Space Entry

- Confined Space Entry Permit
- Excavation Permit

Procedure #7 – Lock, Tag, and Try

- Lock Removal Permit

Procedure #8 – Fall Protection

- Safety Monitoring Plan

Procedure #11 – Workplace Auditing

- Field Safety Audit Checklist
- Building Safety Audit Checklist
- Safety Task Assignment Sign-In Sheet

Procedure #12 – Mobile Equipment

- PCI Operators Equipment Checklist



Port Contractors, Inc.

Policy Title: Drug- and Alcohol-Free Workplace Policy

Section: II.A (Policies/General Employment Information)

Issued: 4/09

Revised:

Port Contractors, Inc. recognizes drug and/or alcohol abuse as a serious potential health, safety and security problem and complies with state and federal laws prohibiting the unlawful manufacture, distribution, dispensation, possession or use of controlled substances or alcohol in the workplace. Employees needing help with such problems are encouraged to contact, in confidence, the Human Resources Manager or their Supervisor. The Human Resources Manager and the Supervisor will work together to ensure that an employee who requests assistance is referred to the appropriate community agency or rehabilitation services.

Port Contractors, Inc. understands the importance of providing information concerning the locations of available drug counseling, rehabilitation and employee assistance programs. Accordingly, any employee who wishes to confidentially receive information about counseling or rehabilitation may request information from the Human Resources Manager.

Port Contractors, Inc.'s health insurance plan provides some coverage for specialized treatment for drug and/or alcohol abuse for those employees enrolled in the plan. Sincere and conscientious efforts to seek help and a commitment to treatment will not jeopardize an employee's position unless work performance and behavioral problems emerge or continue after assistance is sought. Employees should be aware that the opportunity to seek such assistance is not offered in lieu of corrective action. Employees are encouraged to proactively seek treatment before work performance is affected.

The following substances are covered by this policy:

- Alcoholic beverages of any kind.
- Controlled or illegal drugs or substances, which include all forms of narcotics, hallucinogens, depressants, stimulants, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP), and other drugs whose use, possession or transfer is restricted or prohibited by law.

Drug- and Alcohol-Free Workplace Policy (Continued)

- “Drugs” as used in this policy include, without limitation, alcoholic beverages, narcotics, marijuana, hashish, heroin, hallucinogens, depressants, deliriants, stimulants, “designer drugs,” cocaine and other controlled substances or medication **other than** those sold to the public on a non-prescription basis or those prescribed to the employee by a duly licensed physician, dentist or other person licensed by the state or federal government to prescribe or dispense controlled substances or drugs **unless** taken in excessive amounts which could impair an employee’s fitness for duty.

Employees are prohibited from using substances, drugs or medicines that cause drowsiness or other side effects that may impair an employee’s ability to perform his or her job properly and safely. Each employee is obligated to inform his or her immediate Supervisor, or Department Manager in the absence of the Supervisor, of the use of such medications.

For the purpose of this policy, “Port Contractors, Inc. property” includes all property, facilities, land, buildings, structures, automobiles, trucks and other vehicles, whether owned, leased or used by Port Contractors, Inc. or its affiliates. The following activities are prohibited while an employee is on Port Contractors, Inc. property or otherwise engaged in Port Contractors, Inc. business:

- Manufacturing, possessing, using, selling, distributing, dispensing, receiving or transporting any controlled substance, illegal drug or drug paraphernalia;
- Consuming alcoholic beverages on Port Contractors, Inc. property except at authorized Port Contractors, Inc.-sponsored events (and in such case in a responsible manner);
- Consuming alcohol at any time while “on-duty” at Port Contractors, Inc.;
- Being under the influence of alcohol or controlled and/or illegal drugs or substances in any manner during business hours, whether or not consumed on Port Contractors, Inc. property, and whether or not consumed outside of working hours;
- Performing duties while under the influence of alcohol or controlled and/or illegal substances or drugs regardless of whether the employee is on or off Port Contractors, Inc. property;
- Consuming alcohol or controlled and/or illegal drugs or substances while driving, working on or riding in any Port Contractors, Inc. vehicle or equipment or the employee’s personal vehicle while conducting Port Contractors, Inc. business.

If an employee’s work performance or behavior suffers due to the use of unlawful drugs or alcohol abuse, on or off Port Contractors, Inc. property, he or she will be encouraged to seek assistance to correct the problem. If the performance or behavior problems persist, the employee will be subject to appropriate corrective action, up to and including termination of employment.

Drug- and Alcohol-Free Workplace Policy (Continued)

In keeping with the requirements of federal law, employees are required to notify the Human Resources Manager of any criminal drug conviction no later than five (5) days after such conviction. Employees who violate this policy will be subject to disciplinary action, up to and including immediate termination of employment.

SUBSTANCE ABUSE TESTING

Conditional Offer Substance Abuse Testing

All offers of employment to applicants being considered for any position with Port Contractors, Inc. will be conditioned on the applicant's taking and passing a screening test for evidence of improper drug and/or alcohol use. Such individuals are hereinafter referred to as "Conditional Offer Employees" or "COE."

Conditional Offer Employees will be required to voluntarily submit to a test at a laboratory chosen by Port Contractors, Inc. and to sign a consent agreement form to release Port Contractors, Inc. from liability. Any COE who tests positive or who refuses to undergo testing will not be employed by Port Contractors, Inc. and may not reapply for at least one hundred eighty (180) days.

Active Employee Substance Abuse Testing Policy

Port Contractors maintains testing practices to identify employees who illegally use drugs, including prescription or lawful drugs, on or off the job or who abuse alcohol on the job. It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances:

A. Reasonable Suspicion

Testing will be required when there is reasonable suspicion to believe that an employee is illegally using drugs or using alcohol or is under the influence of alcohol while at work. "Reasonable suspicion" is based on a belief that an employee is using or has used drugs or alcohol in violation of Port Contractors, Inc. policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:

1. Observable phenomena, such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
3. A report of substance abuse provided by a reliable and credible source;
4. Evidence that an individual has tampered with any substance abuse test during his or her employment with Port Contractors, Inc.;
5. Evidence that an employee has used, possessed, sold, solicited or transferred drugs while working or while on Port Contractors, Inc. property or while operating its vehicles, machinery or equipment.

Drug- and Alcohol-Free Workplace Policy (Continued)

B. Routine Fitness for Duty

Employees returning to work following a medical leave of absence may be required to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of Port Contractors, Inc. established policy.

C. Follow-up Drug Testing

If the employee, in the course of employment, enters into a drug rehabilitation program, Port Contractors, Inc. will require the employee to submit to a drug test as a follow-up to such program unless otherwise prohibited by law. This testing may be conducted at least twice a year for a two (2) year period after the completion of the program. Advance notice of the follow-up testing will not be given to the employee who is to be tested.

D. Workplace Injury

Employees may be required to submit to a drug and/or alcohol test with regard to any workplace injury and/or accident that occurs and causes damage to any equipment and/or property, or that requires hospitalization or medical treatment for any employee involved in the incident/accident.

E. Random Testing

Random drug and/or alcohol testing will be conducted for all positions within Port Contractors, Inc. A random test will not be announced in advance.

Positive Drug Test Results; Retesting

Any employee or COE who receives a positive confirmed drug test result may contest or explain the results to Port Contractors, Inc.'s Human Resources Manager within three (3) working days after written notification of the positive test results. If an employee's or COE's explanation or challenge is unsatisfactory to the Human Resources Manager, the employee or COE may seek a retest at his or her expense. If the retest supports the employee's or COE's original contention, Port Contractors, Inc. will reimburse him or her for the cost of the retest. Retesting will be conducted by the laboratory where the initial test was performed and will use the same specimen collected for the original test.

Discipline

A. Illegal Drug Use or Improper Use of Prescription or Lawful Drugs

Any employee who has possession of, whether physical possession or bodily possession, or uses, consumes, transfers, sells or attempts to sell or transfer any form of illegal drug while on Port Contractors, Inc.'s property and/or conducting the business of Port Contractors, Inc. may be subject to disciplinary action, including termination of employment or suspension without pay from employment. Failure to submit to the required drug test is grounds for immediate termination of employment.

Drug- and Alcohol-Free Workplace Policy (Continued)

B. Alcohol Use

An employee who is under the influence of alcoholic beverages at any time while on Port Contractors, Inc.'s property and/or conducting the business of Port Contractors, Inc., may be subject to disciplinary action up to and including termination of employment and/or suspension without pay from employment.

Failure to submit to the required alcohol test is grounds for immediate termination of employment.

C. Confirmed Test

Any employee who Port Contractors, Inc. is advised has a positive confirmed drug test, including for alcohol, will be subject to termination of employment even for the first offense.

Searches and Inspections

In enforcing Port Contractors, Inc. Drug-Free Workplace Policy, Port Contractors, Inc. reserves the right at any time to inspect Port Contractors, Inc.'s property, including desks, lockers or other suspected areas of concealment. Searches of an employee's person and/or personal effects also may be requested when there is reasonable suspicion for such searches. Consent to inspections under the foregoing circumstances shall be a condition of employment or continued employment with Port Contractors, Inc. The search will be carried out in privacy but with a supervisory witness present. Port Contractors, Inc. will place any contraband found into properly marked containers and transport it by police or other personnel authorized to be in possession of the contraband during transport. Law enforcement agencies will be notified as appropriate. Any person who fails to cooperate in a properly requested inspection is subject to disciplinary action, including immediate termination of employment.

NO WAIVER OF PORT CONTRACTORS, INC.'S RIGHTS

This policy is not intended to address all circumstances in which involvement with illegal drugs or alcohol warrants disciplinary action. Nothing in this policy shall be considered as limiting Port Contractors, Inc.'s right to take corrective action, up to and including termination of employment, for involvement with illegal drugs or alcohol even if not specifically addressed in this policy.

AT-WILL EMPLOYMENT

No provision herein is intended to modify Port Contractors, Inc.'s policy that employment, not covered by a written, signed agreement to the contrary, remains terminable at will at the option of Port Contractors, Inc. or any employee.

Drug- and Alcohol-Free Workplace Policy (Continued)

COMPLIANCE WITH APPLICABLE LAW

This policy may be subject to change and/or modification by Port Contractors, Inc. and/or based upon applicable federal, state or local laws or regulations. Any questions regarding this policy should be directed to the Port Contractors, Inc. Human Resources Department.

CONFIDENTIALITY

All information, interviews, reports, statements, memoranda and drug test results through Port Contractors, Inc. drug testing program will be treated as confidential to the extent required by law except as consented to by the employee or applicant.



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ENVIROS

Enforcement Action Advanced Search

Search Reset

No information was found matching your selection criteria. Please try again.

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House Number: To:

Street:
Direction Street Name Street Type Suite

City: Zip:

Section: Township: Range:

Respondent:

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Establishment Search

Reflects inspection data through 05/05/2017

This page enables the user to search for OSHA enforcement inspections by the name of the establishment. Information may also be obtained for a specified inspection or inspections within a specified SIC.

▲ Note: Please read important information below regarding interpreting search results before using.

Search By:

Your Establishment search returned 0 results.

Establishment Port Contractors - Southeast, LLC

State All States Fed & State

OSHA Office All Offices

Case Status All Closed Open

Violation Status All With Violations Without Violations

Inspection Date

Start Date May 1 2012

End Date May 1 2017

Submit Reset

Can't find it?

- Wildcard use %
- Basic Establishment Search Instructions
- Advanced Search Syntax

NOTE TO USERS

The Integrated Management Information System (IMIS) was designed as an information resource for in-house use by OSHA staff and management, and by state agencies which carry out federally-approved OSHA programs. Access to this OSHA work product is being afforded via the Internet for the use of members of the public who wish to track OSHA interventions at particular work sites or to perform statistical analyses of OSHA enforcement activity. It is critical that users of the data understand several aspects of the system in order to accurately use the information.

events occur in the course of agency activities. Until cases are closed, IMIS entries concerning specific OSHA inspections are subject to continuing correction and updating, particularly with regard to citation items, which are subject to modification by amended citations, settlement agreements, or as a result of contest proceedings. THE USER SHOULD ALSO BE AWARE THAT DIFFERENT COMPANIES MAY HAVE SIMILAR NAMES AND CLOSE ATTENTION TO THE ADDRESS MAY BE NECESSARY TO AVOID MISINTERPRETATION.

The Integrated Management Information System (IMIS) is designed and administered as a management tool for OSHA to help it direct its resources. When IMIS is put to new or different uses, the data should be verified by reference to the case file and confirmed by the appropriate federal or state office. Employers or employees who believe a particular IMIS entry to be inaccurate, incomplete or out-of-date are encouraged to contact the OSHA field office or state plan agency which originated the entry.

UNITED STATES
DEPARTMENT OF LABOR

Occupational Safety and Health Administration
200 Constitution Ave., NW,
Washington, DC 20210
☎ 800-321-6742 (OSHA)
TTY
www.OSHA.gov

FEDERAL GOVERNMENT

- White House
- Affordable Care Act
- Disaster Recovery Assistance
- USA.gov
- Disability.gov
- Plain Writing Act
- Recovery Act
- No Fear Act
- U.S. Office of Special Counsel

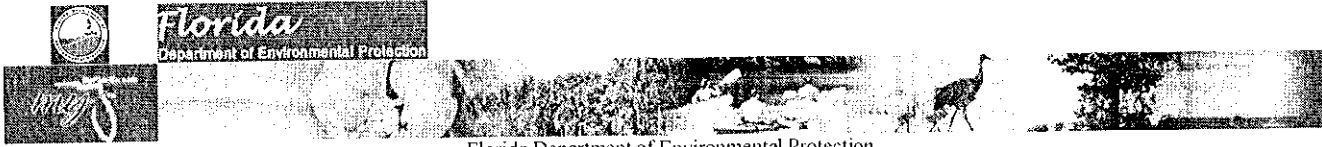
OCCUPATIONAL SAFETY AND HEALTH

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EXHIBIT 5
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Florida Department of Environmental Protection

Hazardous Waste Facilities Search Results

Selection Criteria for This Handler Search:

EPAID: % ; Name: PORT CONTRACTORS% ; Address: % ; City: % ; County: %

For Facility Data Links:

Activities -- provides a list of RCRA compliance activities and click on the Status. - NNOT indicates a facility is a Non-Notifier and may not have been issued the associated EPAID - violations.

For a Generator Status History:

Check with DEP before using that EPAID!

Mapping in GIS -- this opens a [NEW IMPROVED] GIS mapping tool focused on the facility.

[Legend of Status Types](#)

Documents -- this provides a list of electronic documents available online.

Error Reporting -- send us feedback to address data errors.

County Verification -- County or RPC verification of Facility and Waste for this site.

EPA ID	Name	County	Address	Contact	Status	As of	Data Links
Search has retrieved 0 Facilities							

Legend of Status Types:

- LQG - Large Quantity Generator
- SQG - Small Quantity Generator
- CES - Conditionally Exempt Small Quantity Generator
- UOT - Used Oil Transporter
- TRA - Hazardous Waste Transporter
- TSD - Treatment/Storage/Disposal Facility
- CLO - Closed
- NHR - Non-Handler of Hazardous Waste

Section R

Port Contractors - Southeast LLC, has provided stevedoring and agency services in Port Everglades since at least 2011 with a focus on customer service and efficient, cost effective solutions for our customers. As one of the niche operators in Port Everglades, we have maintained a consistent book of business through the years with services provided to the project cargo market. We remain a preferred provider for many of the steamship lines and project cargo logistics companies who conduct business in south Florida.

The focus of our agency services is to provide a value added service offering for our cargo operations, and although we do perform agency services for customers who are not utilizing our cargo handling services, this business is typically secured through a long relationship that we have with the shipping lines that we do business with at one of the ports that we operate in.

Our promotional efforts for Port Everglades remains a top focus for our company. We actively promote the port and work to seek new business for the port and not just seek to supplement the services of one of the other providers in Port Everglades. Our synergies with our 3 operations on the Delaware River (Wilmington, Northport, and Fairless Hills) has allowed us to introduce our customers to potential opportunities in south Florida. Our new and rapidly growing business handling products for the building industry such as pipe, rebar, and slag, have started to present opportunities to bring these customers to Port Everglades in the future.