

## Safety as a Technical Evaluation Criterion

Just as selection criteria are established to evaluate contractors' capability to produce a product to defined technical specifications or to demonstrate the financial robustness to remain in business throughout the duration of the contract, so should criteria be established to judge the contractor's ability to complete the work without personal injuries that would expose the host employer to subsequent litigation.

The effectiveness of the contractor's risk reduction and loss control practices should be the basis for contractor safety selection criteria. The principle being applied in this selection process is that organizations, and the individuals in them, will continue to behave as they have in the past. They are unlikely to change their work practices unless something significant forces them to do so. It is unlikely that a contractor with a history of high injury rates will stop having accidents simply because your contract states that you place a high degree of importance on safety.

Commonly used measures of contractor safety performance effectiveness are:

1. Experience modification rating
2. Injury frequency and severity rates
3. Safety program evaluations and evaluation of the key personnel
4. OSHA citation history
5. References from others who have employed the contractor previously
6. Evaluation of the contractors' integration of safety into their work practices

*Source: Construction Site Safety: A Guide for Managing Contractors, By: Richard D. Hislop*

A sample request for documentation from a subcontractor that demonstrates they meet your minimum safety requirements is found on the next page.

### DISCLAIMER

The materials provided in this manual are for general information purposes only and is not intended to provide and should not be relied upon for legal advice in any particular circumstance or situation. All readers are advised to consult with an attorney to address any particular circumstance or factual scenario.

**SUBCONTRACTOR MINIMUM SAFETY SELECTION CRITERIA**

	May 1, 2015	May 1, 2016	May 1, 2017
Experience Modification Rate (EMR)	1.00	.95	.90
Days Away Restricted Transfer (DART)	1.45	1.31	1.17
Recordable Incident Rate (RIR)	3.61	3.61	3.61

Subcontractor will not present to (Company) an Experience Modification Rate (EMR), a Days Away Restricted Transfer Incident Rate (DART) and a Recordable Incident Rate (RIR) greater than the rates listed above.

Subcontractor must submit to (Company) a letter from the Subcontractor’s insurance carrier certifying the Subcontractor’s EMR and a letter from the Subcontractor stating their DART-IR and RIR for the previous 3 year period to verify that the Subcontractor satisfies these minimum selection criteria. These letters must be submitted prior to bid date and the Subcontractor must retain a copy of the verifying documentation in the Contractor’s Safety Book.

If the Subcontractor wishes to seek a variance from this provision it must submit a request to (Company) along with a detailed explanation of reason for seeking a variance and setting forth a description of the additional oversight that Subcontractor will undertake regarding the proposed subcontractor’s safety performance and any additional information requested by (Company). A decision on whether to grant such a variance will be in (Company)’s sole and exclusive discretion.

Experience modifications alone aren't the only criteria for evaluating a safe contractor!

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