

TRUEBECK

CONSTRUCTION

June 13, 2017

Truebeck Construction
201 Redwood Shores Pkwy Suite 125
Redwood City, CA 94065
Attn: Cal/OSHA Consultation

RE: Controlling Employer

Dear Cal/OSHA Consultation,

The intent of this letter is to gain clarification on the designation of a Controlling Employer for a multi-prime contract that Truebeck Construction is currently involved in. At this time, the Multiple Prime contract is comprised of Truebeck Construction, Electrical Contractor, and a Mechanical Contractor. Each of the mentioned entities have a clearly defined scope of work, subcontractors, and a direct contract to the Owner. As a background, a Multiple Prime contract takes place when an owner contracts directly with separate trade contractors for specific and designated elements of the work, rather than with a single general or prime contractor. With this type of contract approach, there is typically no central point of contractor coordination and responsibility for all trades. By default, the owner will usually assume this responsibility.

Please see below for some of the contract language regarding the administration, management, and safety responsibility of Truebeck Construction:

- (Owner) owns the management of the schedule. Truebeck will be responsible for incorporating multi-prime contractors, (Owner), (Owner) vendors, and Truebeck subcontractor's updates to the schedule.
 - a. Truebeck will participate in a monthly schedule review meeting with (Owner), (Owner) vendors, and (Owner) contractors. The meeting will be managed by (Owner).
 - b. (Owner) will provide final direction where scope/schedule/budget are affected within 24 hours.
- Truebeck is not responsible for the work or performance of (Owner), (Owner) vendors, or (Owner) contractors.
- Truebeck is not responsible for delays or cost impacts due to trade stacking, productivity impacts, safety concerns, or out of sequence work due to target schedule.
- Builder's Risk provided by (Owner), including all associated insurance deductibles. Truebeck Construction requires a waiver of subrogation from the owner and insurance company.
- **Contract exclusions:**
 - a. Mechanical, Plumbing, Electrical and Controls Systems, and/or the Construction Administration for these scopes.
 - b. Management of billings for subcontractors not under Truebeck contract.

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- c. Management of work/subcontractors/vendors for work not under contract with Truebeck.
- d. Management, document control/approval, and notifications for MOP's for subcontractors not under Truebeck contract. Truebeck will receive a minimum of two-week notification for all MOP's that affect Truebeck or its subcontractors.
- e. Notification and management for overtime for subcontractors not under Truebeck contract.

Based on the specified details, Truebeck Construction looks to Cal/OSHA to gain clarification and a designation of a Controlling Employer/Entity. If there are any further details needed to aid in the decision or questions, please contact Justin Harvey at justin.harvey@truebeck.com

Sincerely,

Justin Harvey, CSP
Safety Manager
Truebeck Construction, Inc.

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