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EXHIBIT 5 **Minimum Project Safety Requirements**

Subcontractors are required to comply with our Safety Program, as well as all State and OSHA safety Regulations. This requirement is identified in the Master Subcontract Agreement Section 8.1. Our Safety Program includes the safety requirements identified in the Subcontract and the safety procedures, practices, and policies described in the Pence Safety Manual.

The following summarizes frequently asked questions concerning our Safety Program. This is not a complete listing of the Program.

Pence Safety Manual: The Comprehensive Pence Safety Manual is available for review at all Pence Construction, LLC offices and jobsites. The manual is continually updated.

Safety Meetings: You will be required to attend the Pence weekly all hands safety meetings with your crew while on the project.

Accidents & Injuries: All accidents or injuries, no matter how minor, are to be reported immediately to the Pence Project Superintendent. An Accident/Incident Report must be submitted before the end of the shift. Subcontractor's Foremen will conduct an Accident/Incident Investigation and prepare a Report after the occurrence. The Subcontractor's General Foremen/Superintendent will be expected to discuss the causes and responses with the Project Superintendent. Subcontractor's are required to maintain adequate First Aid equipment and supplies in their work areas, appropriate for their work.

Fall Prevention: All elevations over 6 feet must have a 100% fall protection system. This includes but is not limited to: leading edge work; iron connecting or decking; and working off elevated work platforms (scaffolding). Only full body harnesses (ANSI A10.32-2004 approved) may be used for fall protection. Pence will not accept "monitors" or "safety zones" as an acceptable means of fall protection.

Flagging: Subcontractor's are responsible for the safe transportation of material on to the site. All Subcontractors' will supply their own trained employees to conduct flagging or traffic, if needed.

Public Protection: All excavations, where the public has access, shall have a means provided to guard the public from the hazards of the excavation project. This includes barriers and signage to protect the public from falls, falling material, and excavating equipment. Proper covers or fencing must be provided to prevent the public from access to the excavation during "off" hours.

Hazardous Materials: Your specific attention to State and OSHA requirements on hazardous materials/hazard communications is required. Copies of Safety Data Sheets (SDS) must be available on site and submitted to the Pence project office prior to delivery of these materials on this project. Storage and use of hazardous materials must comply with all applicable safety regulations.

Ladders: Extension ladders must be secured from displacement at the bottom where possible and secured at the top. No work on the top two steps of step ladders will be allowed.

Trailers and Dry Shacks: These areas are considered part of the Project and must be maintained in a safe manner. Safety concerns include: adequate hand-rails; protection over light bulbs; electrical covers; housekeeping; portable fire extinguisher; etc.

Waste Recycling: Pence may manage/coordinate a waste recycling program. Subcontractor's must comply with its source separation program and will be responsible for their own housekeeping and delivery of their own waste to the recycling dumpsters.

Personal Protective Equipment (PPE): Subcontractor must provide all Personal Protective Equipment (PPE) when required for their work including, but not limited to:

- a) Fall protection, respirators, gloves, hard hats, eye protection, foot protection, air and/or noise monitoring equipment.
- b) High visibility vests, or outerwear will be worn by all employees at all times or until Project Superintendent issues other information.
- c) Work boots are required on all projects. Specialty contractors must make specific arrangements with the Project Superintendent to determine adequate foot protection. At a minimum, work boots must have ankle support with substantial sole protection.
- d) When eye protection is required it must be ANSI Z-87.1 approved. Some projects, as determined by Pence Project Superintendent, may require 100% eye protection. It is recommended that double eye protection (glasses and face shield) be used whenever tasks produce flying particles. Steps must be taken to protect other people around these tasks from eye injury.

Subcontractor Safety Plan: A Subcontractor Site Specific Safety Plan must be completed by your company and submitted and reviewed by Pence prior to any Subcontract work commencing on site. This plan is site specific to address anticipated hazards and planned controls. It will be incorporated into the overall Project Safety Plan. Additional task-specific safety plans may be required, as determined by the Project Superintendent, depending upon hazard and work environment changes.

Subcontractor Safety Programs: All Subcontractor Safety programs are subject to review by Pence for adequacy and completeness and must include the following:

- a) Notification if the person(s) responsible for safety by name and mobile phone number and/or pager number to Pence's Project Superintendent.
- b) Self-inspections of their work environmental, including logs of vehicle and equipment inspections per manufactures and vendors requirements (daily, monthly, etc.). The self-inspection program is subject to audit by Pence. A review of the findings (verbal and/or written) must be conducted with the Pence Project Superintendent before the safety inspector leaves the site. Equipment on site that requires annual inspections must have such documentation on site at all times, e.g. Crane annual inspection.
- c) Competent Person, as defined by OSHA, must be on site and identified for: trenching/excavation; scaffolding; confined space, crane, etc. Provide a copy of Daily Inspection Logs to superintendent.
- d) Electrical power cords and tools must be in compliance with a recognized Assured Grounding Program and OAR437-003-0404 GFCI Program. Copies of regularly updated logs must be maintained on site.

We encourage you and your employees to actively participate in the creation and maintenance of a safe and productive work place.