AUSTIN ENERGY'S SAFETY RECORD QUESTIONNAIRE & STATEMENT OF ELECTRICAL CONTRACTOR'S SAFETY EXPERIENCE

Austin Energy, the electric utility department of the City of Austin, considers the safety records of electrical contractors prior to authorizing contractors to perform electric make-ready work and/or work in the communications worker safety zone (40" below the lowest power) on Austin Energy's electric distribution system ("Electric Make-Ready Work"). **Austin Energy reserves the right to remove an electrical contractor from its list of contractors authorized to perform Electric Make-Ready Work on behalf of third parties on Austin Energy's electric distribution system at its sole discretion.** Austin Energy follows the following written definitions and criteria for evaluating the safety record of an electrical contractor before authorizing a contractor to perform Electric Make-Ready Work on Austin Energy electric distribution system. The term "Electrical Contractor" includes the firm, corporation, partnership, or other legal entity represented by the electrical contractor or anyone acting for such firm, corporation, partnership or other entity requesting this authorization. The definitions and criteria for evaluating the safety record of an Electrical Contractor are:

> "Citations" include notices of violation, notices of enforcement, suspensions/revocations of state or federal licenses or registrations, fines assessed, pending criminal complaints, indictments, convictions, administrative orders, draft orders, final orders, and final judgments. Notice of Violations and Notice of Enforcement received from the TCEQ include those classified as major violations and moderate violations under the TCEQ'S regulations for documentation of Compliance History, 30 Texas Administrative Code, Chapter 60.2 (c) (1) and (2).
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> "Environmental Protection Agency" includes, but is not limited to the Texas Commission on Environmental Quality (TCEQ), the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the Texas Department of Health, the Texas Parks and Wildlife Department, the Structural Pest Control Service, agencies of local governments responsible for enforcing environmental protection laws or regulations, and similar regulatory agencies of other states of the United States.

1. If the Electrical Contractor's response to the following questions reveals more than two cases in which final orders have been entered by the Occupational Safety and Health Review Commission (OSHRC) against the Electrical Contractor for serious violations of Occupational Safety & Health Administration (OSHA) regulations within the past five years, Austin Energy will not add or will remove the Electrical Contractor from Austin Energy's list of contractors authorized to perform Electric Make-Ready Work on Austin Energy's electric distribution system.
2. If the Electrical Contractor's response to the following questions reveals more than one case in which Electrical Contractor has received a citation or for which final orders have been entered from an environmental protection agency for violations within the past five years, Austin Energy will remove the Electrical Contractor from Austin Energy's list of contractors authorized to perform Electric Make-Ready Work on Austin Energy's electric distribution system.
3. If the Electrical Contractor's response to the following questions reveals that the Electrical Contractor has been convicted of a criminal offense within the past ten years or has been subject to a judgment for a negligent act or omission, which resulted in serious bodily harm or death, Austin Energy will remove the Electrical Contractor from Austin Energy's list of contractors authorized to perform Electric Make-Ready Work on Austin Energy's electric distribution system.

4. The prevention of accidents involving workers engaged in the Electric Make-Ready Work shall be the Electrical Contractor's responsibility. The Electrical Contractor is responsible for providing its workers with all necessary safety training and with complying with all laws, ordinances, rules, regulations, codes, orders, notices, and requirements concerning safety that are applicable to the Electric Make-Ready Work.
5. Austin Energy requires that Electrical Contractors answer the following questions and submit them to PAOperations@austinenergy.com:

QUESTION ONE

Has the Electrical Contractor received any Citations for violations of OSHA within the past five years? ❒ Yes ❒ No

QUESTION TWO

Has the Electrical Contractor received any Citations for violations of environmental protection laws or regulations within the past five years? ❒ Yes ❒ No

QUESTION THREE

Has the Electrical Contractor been convicted, within the past ten years, of a criminal offense or been subject to a judgment for a negligent act or omission resulting in serious bodily injury or death? ❒ Yes ❒ No

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If the Electrical Contractor has indicated "Yes" to any question above, the Electrical Contractor must provide to Austin Energy, the following information:

Date of Citation or offense and location where violation or offense occurred, type of violation or offense, final disposition of violation or offense, if any, and penalty assessed.

In addition, Austin Energy will use the following information as support to make a determination of whether to disqualify an Electrical Contractor from performing Electric Make-Ready Work on Austin Energy's electric distribution system. Accordingly, Electrical Contractor must answer the following questions and provide evidence that it meets minimum OSHA construction safety standards and has a lost time injury rate that does not exceed the limits established below:

1. Does the Electrical Contractor have a written construction safety program?
   ❒ Yes ❒ No
2. Does the Electrical Contractor conduct regular construction site safety inspections?
   ❒ Yes ❒ No
3. Does the Electrical Contractor have an active construction safety training program?
   ❒ Yes ❒ No
4. Does the Electrical Contractor have competent persons in the following areas (as applicable to the scope of the Electric Make-Ready Work to be performed on Austin Energy electric distribution system):

   A. Scaffolding ❒ Yes ❒ No ❒ N/A
   B. Excavation ❒ Yes ❒ No ❒ N/A
   C. Cranes & Hoists ❒ Yes ❒ No ❒ N/A
   D. Electrical ❒ Yes ❒ No ❒ N/A

E. Fall Protection ❒ Yes ❒ No ❒ N/A
F. Confined Spaces ❒ Yes ❒ No ❒ N/A
G. Material Handling ❒ Yes ❒ No ❒ N/A
H. Demolition ❒ Yes ❒ No ❒ N/A
I. Steel Erection ❒ Yes ❒ No ❒ N/A
J. Underground Construction ❒ Yes ❒ No ❒ N/A

5. Does the Electrical Contractor have a lost time injury rate and a total recordable injury rate of less than or equal to the national average for North American Industrial Classification System (NAICS) Category 23 for each of the past five years?
(Attach the Electrical Contractor's OSHA 300 and 300A logs for the past five years)
❒ Yes ❒ No

6. Does the Electrical Contractor have an experience modifier rate of 1.0 or less?
(Attach the Electrical Contractor's NCCI workers compensation experience rating sheets for the past five years) ❒ Yes ❒ No

7. Has the Electrical Contractor had any OSHA inspections within the past six months?
❒ Yes ❒ No
(If "YES", provide sufficient documentation to indicate the nature of the inspection, the findings, and magnitude of the issues.)

All contractors performing Electric Make-Ready Work on Austin Energy's electric distribution system hereby agree to the following:

City of Austin Utility Code §15-7-6(A) User's Duties and Responsibilities. (A) Compliance with law. A user shall comply with all applicable federal, state, and local laws, rules, and regulations, including the Utilities Criteria Manual, City policies, the national Electrical Code, the National Electrical Safety Code, the utility's transmission and distribution standards, and applicable industry standards.

Safety Violations Failure of the Electrical Contractor to adhere to and comply with Austin Energy standards and requirements may result in Austin Energy retracting its approval of the Electrical Contractor to perform work of any kind on Austin Energy infrastructure. The Electrical Contractor is responsible for ensuring that it is in full compliance with Austin Energy's requirements and standards. Electrical Contractor may be required to remedy any of its work that does not comply with Austin Energy's construction standards and requirements or any applicable laws and regulations. Austin Energy reserves the right to stop or halt all work undertaken by the Electrical Contractor that in Austin Energy's sole discretion is deemed unsafe or that is considered inconsistent with Austin Energy's standards and requirements.

Incidental Electrical Outage In the event that Electrical Contractor causes an interruption of electric service by damaging or interfering with any Austin Energy facilities, Electrical Contractor, at its sole expense, shall immediately take all necessary steps that can be reasonably and safely performed to avoid or circumvent further injury or damage, direct or incidental, resulting therefrom and shall notify Austin Energy immediately of the electrical interruption and of any remedial action taken. Electrical Contractor acknowledges all dangers, including serious bodily injury or death from electrocution, and accepts as its duty and sole responsibility to notify, inform, and keep informed its employees, agents, servants, and subcontractors of such dangers and shall not pass or assign this duty and responsibility to any third-party.

In order to maintain Austin Energy's safety environment, Austin Energy requires that only materials conforming to the Austin Energy's Qualified Product List ("QPL") are permitted to be used for construction on AE infrastructure, including for:

- Poles
- Transformers
- Conductors
- Hardware
- Clamps
- Miscellaneous

ACKNOWLEDGEMENT

THE STATE OF TEXAS

COUNTY OF TRAVIS

I certify that my responses and the information provided are true and correct to the best of my personal knowledge and belief and that I have made no willful misrepresentations in this Questionnaire, nor have I withheld any relevant information in my statements and answers to questions. By my signature below, made as the authorized representative of Electrical Contractor, I acknowledge and agree to abide by the requirements of Austin Energy for the performance of Electrical Make-Ready Work on Austin Energy's Infrastructure, expressly including, without limitation, the requirement to use only materials from the Austin Energy QPL for construction on Austin Energy's infrastructure and to comply with the applicable federal, state, and local laws, rules and regulations pertaining to Electrical Contractor's work on Austin Energy infrastructure. I am aware that any information given by me in this questionnaire may be investigated by Austin Energy and I hereby give my full permission for any such investigation and I fully acknowledge that any misrepresentations or omissions in my responses and information may cause rejection of my authorization as an Electrical Contractor to perform Electric Make-Ready Work on Austin Energy's electric distribution system, and **I acknowledge that Austin Energy reserves the right to remove an Electrical Contractor from its list of contractors authorized to perform Electric Make-Ready Work on behalf of third parties on Austin Energy's electric distribution system at its sole discretion.**

Electrical Contractor's full name and entity status:

_____

Company's Name

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Signature, Authorized Representative of Electrical Contractor

_____

Printed Name and Title

_____

Date

****End****