



September 8, 2021

The Association of Unit Owners of 1118 Ala Moana
1118 Ala Moana Blvd
Honolulu, HI 96813
Attn: Mr. Robert Hines, Board President

Project: Waiea at Ward Village Remediation

Subject: Non-Construction Personnel in Construction Zones

Mr. Hines,

We understand an owner has asked to be allowed to go to and from their unit, and be present in their unit, while construction is going on in and around that unit. This is not permissible for safety and other reasons.

Safety is a large concern on any construction project. For the safety of owners, and for liability reasons, the general contractor Swinerton made it clear during contract negotiations with the Association that Swinerton and its insurance company required that Swinerton have control of and limit access to the active construction zone. The Association agreed as it was also concerned about the safety of the owners.

An active construction zone presents a number of dangers. The work involves numerous construction workers in small confined areas moving often large, heavy and sharp materials, fixtures, parts, tools and equipment, while other workers are at the same time using power equipment, tools, ladders, etc. to perform demolition and reconstruction. Swinerton has an excellent safety record, in large part due to their rigorous training and a culture of safety. Swinerton's workers are trained professionals accustomed to working safely with and around one another. Power is cutoff to minimize electrical risks. Workers wear steel toed boots, hard hats, protective eye covering, and long pants, among other safety precautions, for good reason. Laypeople are not familiar with the hazards present in an active construction zone and are prone to be a risk to themselves and others. Allowing an owner into such an area creates a risk of possible serious injury to everyone, owner and workers alike, despite all the best efforts and precautions of the construction workers.

The contract between the Association and General Contractor, Swinerton, requires that Swinerton take various precautions for safety and to take measures to prevent damage, injury or loss. Individual Unit Owners are not parties to the contract and are not automatically covered by the various insurance policies in place to protect people and the building. Working in an occupied building has already caused the insurance companies to charge high premiums. Working with occupants present in the construction zones could result in insurance being denied in the event of an incident, or result in increased premiums or possible cancellation of the policy. No one wants that to happen.

Security is also a concern and Swinerton has implemented policies and procedures that, in conjunction with steps being taken by Waiea Building Management, help ensure that only appropriate workers and staff enter construction zones and individual units. Crews are badged and uniformed to be readily identifiable. Having non-construction individuals on floors or in units while under construction shall not be allowed, as it would make it very difficult to distinguish one Unit Owner from a random intruder. Once the Contractor controls access to the construction zone, they are responsible for maintaining that control. Having more than one party in control of access makes it difficult to assign responsibility should there be a breach in security. Similarly, the Quality Control, Quality Assurance, and Substantial Completion process relies on the Contractor being the sole party responsible for the construction area until turned back over to the Owner.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Silas Collier', is written over a horizontal line.

Silas Collier, Director of Construction Management