



**COMPANY:** SanMar Corporation, Top of the World, LLC  
**COUNTRY:** Bangladesh  
**ASSESSMENT DATE:** 11/17/12  
**MONITOR:** T Group Solutions Pvt Ltd  
**PRODUCTS:** Apparel  
**PROCESSES:** Full [= full package]  
**NUMBER OF WORKERS:** 2011  
**ASSESSMENT NUMBER:** AA000000133

## FLA Comments

Company Comment: SanMar and Top of the World have exited this factory after shipment of the last purchasing orders. The factory was closed because a new factory building was constructed in another location and the production was transitioning to this new facility. 1750 out of 1818 workers transferred to the new location; the others resigned for personal reasons and were paid their final settlement in full. Both companies continue to source from the new facility. Prior to exiting, SanMar had liaised with Top of the World and worked with the factory management on the corrective action plan and implementation. The remediation plan was submitted to the FLA in July 2014.

## What's Included in this Report

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# Understanding this Assessment Report

This is a report of a workplace assessment conducted by Fair Labor Association assessors following FLA's Sustainable Compliance methodology (SCI), which evaluates a facility's performance in upholding fair labor standards through effective management practices throughout the entire employment life cycle.

This report identifies violations and risks of noncompliance with the Fair Labor Association Workplace Code of Conduct in its assessment of the employment functions, and includes a description of the root causes of violations, recommendations for sustainable and immediate improvement, and the corrective action plan for each risk or violation as submitted by the company. This document is not a static report; rather, it reflects the most recent progress updates on remediation in the "Progress Update" section for each finding.

## Glossary

**De minimis:** a de minimis factory is a factory (1) with which the Company contracts for production for six months or less in any 24-month period; or (2) in which the Company accounts for 10% or less of the annual production of the facility. The FLA Charter states that in no event shall de minimis facilities constitute more than 15% of the total of all facilities of a Company, and the list of facilities designated as de minimis by a Company is subject to the approval of the FLA. Please note that collegiate-producing factories cannot count as de minimis.

**Facility performance:** how a facility rates in terms of a particular employment or management function, with 100% being the best possible score.

**Fair labor standards:** the minimum requirement for how workers should be treated in a workplace, as outlined in the [FLA Workplace Code of Conduct](#).

**Employment life cycle:** all aspects of an employee's relationship with the employer, from date of hire to termination or end of employment.

**Code violation:** failure to meet standards outlined in the FLA Workplace Code of Conduct in the workplace implementation of employment or management functions.

**Company action plan:** a detailed set of activities outlined by the sourcing company and/or direct employer to address FLA findings.

**Employment functions:** The different components of the relationship between management and employees in a factory. An employment function is a process regulating an aspect of the employment relationship, such as the recruitment of workers. All employment functions together constitute the employment relationship between an employer and an employee.

1. Recruitment, Hiring & Personnel Development (e.g., performance reviews)
2. Compensation (e.g., wages, health care)
3. Hours of Work (e.g., overtime, documentation of working hours)
4. Industrial Relations (e.g., collective bargaining agreements)
5. Grievance System (e.g., worker communication with management)
6. Workplace Conduct & Discipline (e.g., discrimination, harassment)
7. Termination & Worker Retrenchment (e.g., downsizing, resignation)
8. Health & Safety (e.g., exposure to chemicals)
9. Environmental Protection (e.g., energy saving)

**Management functions:** violations or risks related to an employment function could be caused by the absence – or a problem in the operation – of any one of the management functions or in more than one.

1. Policy
2. Procedure
3. Responsibility & Accountability
4. Review Process
5. Training
6. Implementation
7. Communication & Worker Involvement
8. Support & Resources (only for the in-depth level)

**Finding:** indicators of potential gaps between desired and actual performance of the workplace on different employment functions.

### Finding type

- *Immediate action required:* discoveries or findings at the workplace that need immediate action because they not only

constitute an imminent danger, risk the workers' basic rights, threaten their safety and well-being or pose a clear hazard to the environment, but also are clear non-compliances with the FLA Workplace Code of Conduct and local laws. Examples include a finding by the assessor that crucial fire safety elements are not in place or that there is underpayment of wages and/or worker entitlements or that there is direct discharge of waste water, etc.

- *Sustainable improvement required*: findings that require sustainable and systematic actions. The factory will be asked to tackle the underlying root causes and to do so in a long-term and systematic manner to bridge the gap between actual and desired performance. Examples include a finding by the assessor that there is lack of termination policies and procedures in the workplace, lack of grievance system, etc.
- *Notable feature*: indicates a remarkable feature or best practice at a workplace. Examples might include workers' wages and benefits that are significantly above the industry average, or community benefits such as free daycare.

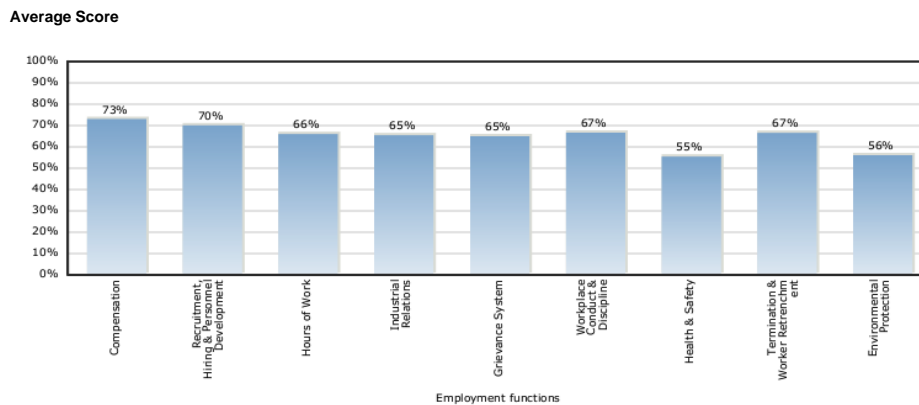
**Local law or Code Requirement**: applicable regulations and standards in a workplace, which serve as the basis for an assessment, as per local law or FLA Workplace Code of Conduct. When these two do not concur, the stricter of the two standards applies.

**Root causes**: a systemic failure within an employment function, resulting in a "finding." Findings are symptoms of underlying problems or "root causes." Consider, for example, the case of workers not wearing hearing protection equipment in a high noise area. The most expedient conclusion might be that the worker did not use the hearing protection equipment because such equipment was not provided by management. However, upon a more thorough evaluation of available information, the assessor might find that the worker was indeed supplied with hearing protection equipment and with written information about the importance of wearing hearing protection, but was not trained on how to use the equipment and that use of the equipment was not enforced in a consistent manner by management.

**Uncorroborated Risk of Noncompliance**: indicates a serious issue that has surfaced during the assessment, but one which the assessors were not able to corroborate through additional sources of information (e.g., allegation of retaliation against a worker by the factory management for participating in the assessment).

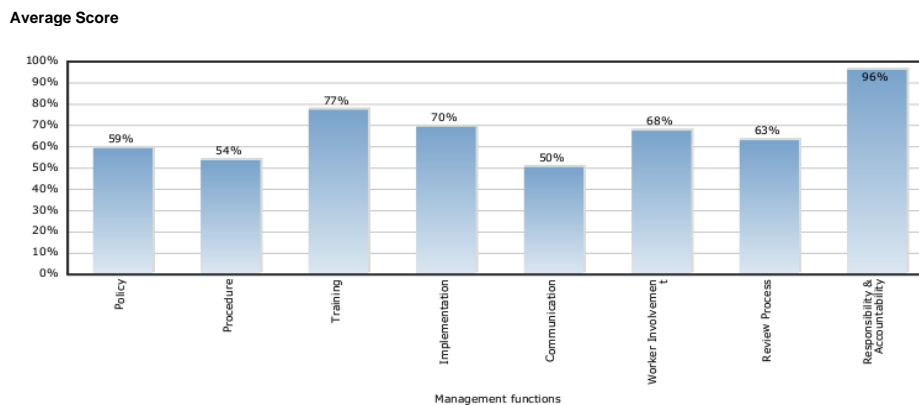
## Score by Employment Function

Scores indicate a factory's performance related to a specific employment function based on an FLA assessment. A score of 100 percent indicates flawless operation of an employment function. A score of less than 100 percent indicates need for improvement.



## Score by Management Function

Scores indicate a factory's performance related to a specific management function based on an FLA assessment. A score of 100 percent indicates flawless operation of a management function. A score of less than 100 percent indicates need for improvement.



## Score Summary

Scores indicate the strength of management functions as they relate to different elements of the employment relationship (employment functions). For example (reading left to right), a score of 100 percent in the cell on the top left corner would indicate the existence of appropriate policies related to recruitment, hiring and personnel development.

Management Functions	Recruitment, Hiring & Personnel Development	Compensation	Hours of Work	Industrial Relations	Grievance System	Workplace Conduct & Discipline	Termination & Worker Retrenchment	Health & Safety	Environmental Protection
Policy	66.71%	62.5%	60%	91.75%	57.14%	50%	61.11%	50%	0%
Procedure	75%	83.72%	66.67%	52.08%	38.89%	29.17%	82.58%	37.3%	36.67%
Responsibility & Accountability	85.76%	100%	100%	100%	100%	100%	100%	100%	100%
Review Process	81.82%	81.82%	87.5%	63.64%	75%	77.27%	81.82%	86.36%	62.5%
Training	76.67%	76.52%	71.22%	55.77%	66.33%	70%	63.85%	40.79%	35.29%
Implementation	82.39%	85.75%	68.24%	87.5%	82.35%	98%	66.67%	56.53%	44.29%
Communication	80%	80%	22.92%	100%	44.44%	62.5%	0%	87.5%	10%
Worker Involvement	0%	N/A	N/A	100%	100%	N/A	N/A	91.67%	100%

## Summary of Code Violations

Companies that join the FLA agree to uphold the FLA Workplace Code of Conduct throughout their entire supply chain. The Code of Conduct is based on International Labour Organization (ILO) standards, and defines labor standards that aim to achieve decent and humane working conditions.

While it is important to note when violations of the FLA Workplace Code of Conduct occur, the purpose of these assessments is not simply to test compliance against a particular benchmark, but rather to develop an understanding of where and how improvements can be made to achieve sustainable compliance. Code of Conduct violations can be found throughout the course of an assessment of the employment and management functions, and are addressed in companies' action plans.

FLA Code Element
Compensation
Child Labor
Employment Relationship
Freedom of Association and Collective Bargaining
Hours of Work
Health, Safety and Environment
Non-Discrimination

## Findings and Action Plans

### FINDING NO.1

#### RECRUITMENT, HIRING AND PERSONNEL DEVELOPMENT

**FINDING TYPE:** Sustainable Improvement Required

#### Finding Explanation

1. There is no policy, procedure, and training on personnel development; nor is there any related communication to the workers on the topic.

#### Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmarks ER.1.1, ER.1.2, and ER.1.3)

#### Root Causes

1. Management lacks awareness of the need for policy and procedure related to personnel development.
2. Lack of knowledge about FLA Workplace Code and Benchmarks.
3. Lack of a responsible staff member.
4. Lack of HR staff training.

## COMPANY ACTION PLANS

1. Factory is requested to establish policy and procedure on personnel development. Such policy and procedure should be

communicated to all employees and conducted training at least once a year.

<b>Action plan status:</b>	Completed
<b>Planned completion date:</b>	06/07/13
<b>Progress update:</b>	02/19/15 : Factory had developed policy and procedure on personnel development. Factory had communicated to all employees by posting the policy and procedure on notice board and conducted on spot training along with all policies.
<b>Completion date:</b>	10/07/13

## FINDING NO.2

### COMPENSATION

#### FINDING TYPE: Uncorroborated Risk of Non Compliance

##### Finding Explanation

1. Based on worker interviews, their salary is not enough to cover all of their basic needs and provide them with a discretionary income. *(FLA Comment: The assessment methodology in use by the FLA at the time of this assessment did not involve collection of compensation data nor specific benchmarks against which to measure the adequacy of compensation received by the workers. Fair Compensation findings were based solely on worker interviews/perception and are therefore not actionable for remediation purposes. In 2015, the FLA launched its Fair Compensation Work Plan which requires the collection and benchmarking of compensation data.)*

##### Local Law or Code Requirement

FLA Workplace Code (Compensation Benchmark C.1.3)

##### Root Causes

1. Management is not aware of FLA requirements regarding providing workers a basic needs' wage.
2. The factory has no wage structure that would enable workers to progressively realize a wage level that meets basic needs.

### COMPANY ACTION PLANS

1. Factory is requested to review the wage system and assess to the basic needs wage calculation. Basic needs wage should be provided to the employees with a discretionary income

<b>Action plan status:</b>	In Progress
<b>Planned completion date:</b>	06/07/13
<b>Progress update:</b>	02/19/15 : Legal minimum wage had provided for all newly unskilled workers. For the other positions, permanent wages were given to which were more than the minimum wage. In addition, production incentive and attendance bonus were provided to the workers who could achieve the production target and attend full attendance respectively.

## FINDING NO.3

### COMPENSATION

#### FINDING TYPE: Sustainable Improvement Required

### Finding Explanation

1. Male security guards, employed through a third-party service provider, work 12-hour shifts, adding up to 72 hours per week.

### Local Law or Code Requirement

Bangladesh Labor Act 2006, Chapter 9, Weekly Working Hours, Sections 102 and 108; FLA Workplace Code (Hours of Work Benchmark HOW.8.3)

### Root Causes

1. The practice of working 12-hour shifts is common across all security agencies in the country.
2. The factory lacks awareness on related FLA Workplace Code and Benchmarks.
3. There is a lack of a monitoring system.

### Recommendations for Immediate Action

## COMPANY ACTION PLANS

1. Factory is requested to discuss with the service provider and reduce working hours for the security guards.

**Action plan status:** Planned

**Planned completion date:** 10/07/13

## FINDING NO.4

## TERMINATION AND RETRENCHMENT

### FINDING TYPE: Sustainable Improvement Required

### Finding Explanation

1. In cases of termination with cause/fault, management does not follow a progressive disciplinary system. The factory also does not: a) follow any clearly defined process for investigating and documenting circumstances for such cases or b) have a process to provide the concerned employees with a hearing.
2. The factory does not maintain documents in relation to termination payouts and packages.
3. The factory does not communicate policies and procedures on Termination & Retrenchment to workers.

### Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmark ER.32)

### Root Causes

1. Although some documents exist on Termination & Retrenchment, there is no related procedure in place.
2. The factory lacks awareness on FLA Workplace Code and Benchmarks on Termination & Retrenchment.
3. There is no training for HR staff.

## COMPANY ACTION PLANS

1. Factory is requested
  - 1./ To establish policy and procedure on Termination and Retrenchment. Such policy and procedure should define process for investigating and documenting circumstances and have process for providing a hearing to the employees.
  - 2./ To maintain documents in relation to termination payouts and package.
  - 3./ To communicate such policy and procedure to all employee and conduct training at least once a year.

**Action plan status:** Completed

**Planned completion date:** 06/07/13

**Progress** 02/19/15 : 1./ Factory had developed a disciplinary system. Before taking disciplinary action,

**update:** factory would conduct internal investigation, issue investigation report and discuss the report by management. Also, factory would provide a hearing if the employees dissatisfied the disciplinary action. All discipline documentations were maintained. 2./ Factory had maintained documents for termination payouts and package properly. 3./ Factory had communicated policy and procedure on termination and retrenchment and conducted on spot training regularly.

**Completion date:** 10/07/13

## FINDING NO.5

### WORKPLACE CONDUCT & DISCIPLINE

**FINDING TYPE:** Sustainable Improvement Required

#### Finding Explanation

1. There are no written procedures on Workplace Conduct & Discipline; however, some documents/systems exist to manage practices. These documents, however, do not: a) contain information on related standards, b) cover the steps of a progressive disciplinary system, and c) mention the requirements related to recording and filing of all disciplinary actions taken.

#### Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmark ER.27.1)

#### Root Causes

1. Factory lacks awareness on FLA Workplace Code and Benchmarks on Workplace Conduct & Discipline.
2. There is no training for HR staff.

### COMPANY ACTION PLANS

1. Factory is requested to establish a written disciplinary system and train all employees for the disciplinary system.

**Action plan status:** Completed

**Planned completion date:** 06/07/13

**Progress update:** 02/19/15 : Factory had developed the written disciplinary system which contain information on related standards, cover the steps of a progressive disciplinary system and maintain the disciplinary records. Disciplinary system training was conducted.

**Completion date:** 10/07/13

## FINDING NO.6

### GRIEVANCE SYSTEM

**FINDING TYPE:** Sustainable Improvement Required

#### Finding Explanation

1. The factory does not have written procedures on the grievance system. While some documents/systems exist, they do not mention the anti-retaliation policy for employees who lodge complaints or grievances, a timeframe and deadlines for each step, the level of authorization required for receiving and acting upon grievances, the requirements for recording all grievances and complaints and the follow-up actions and steps and mechanism(s) of communicating the grievance procedure and its updates to employees.



### **Local Law or Code Requirement**

FLA Workplace Code (Employment Relationship Benchmark ER.25.3)

### **Root Causes**

1. The factory lacks awareness of FLA Workplace Code and Benchmarks on the grievance system.
2. There is no training for HR staff.

## **COMPANY ACTION PLANS**

1. Factory is requested to establish a written procedure on grievance system.

**Action plan status:** Completed

**Planned completion date:** 06/07/13

**Progress update:** 02/19/15 : Factory had developed a written procedure on grievance system which included an anti-retaliation policy.

**Completion date:** 10/07/13

## **FINDING NO.7**

### **ENVIRONMENTAL PROTECTION**

#### **FINDING TYPE: Sustainable Improvement Required**

#### **Finding Explanation**

1. The factory does not make efforts to reduce environmental impact.
2. Air emission reports have not been obtained for any of the 5 power generators.
3. The storage room used for keeping solid waste was not properly maintained. Waste was not segregated and there was improper stacking of stored waste materials.
4. The factory does not have an appropriate system to respond to an environmental emergency, such as a chemical spill or a gas leak.
5. Management neither maintains a relationship with government organizations nor belongs to any networks/associations that provide a platform for obtaining up-to-date information on environmental protection. The factory has not communicated its environmental protection program to the general workforce.
6. The factory does not review its Environmental Protection policy and procedures on a periodic basis.

### **Local Law or Code Requirement**

The Environment Conservation Rules, 1997, Rule 12, Determination of Environmental standards. For Carrying Out the Purposes of Clause (a) of Sub-section (2) of Section 20, the Standards for Air, Water, Sound, Odor and Other Components of the Environment Shall Be Determined in Accordance with the Standards Specified in Schedules 2, 3, 4, 5, 6, 7, and 8; FLA Workplace Code (Employment Relationship Benchmark ER: 31.1; Health, Safety and Environment Benchmark HSE.2)

### **Root Causes**

1. Management lacks awareness of the legal requirements regarding measurement of air emissions from power generator stacks. There is a lack of monitoring and control procedures regarding stacking in the storage room.
2. Management lacks awareness of environmental requirements as per FLA Workplace Code and Benchmarks.
3. Lack of policy and procedures on Environmental Protection.
4. Lack of orientation for newly hired workers and ongoing training for all employees on possible spills and leaks.
5. Management is not aware of the benefits of being associated with government organizations or belonging to networks with expertise on environmental protection.

#### **Recommendations for Immediate Action**

## **COMPANY ACTION PLANS**

1. Factory is requested

- 1./ To establish procedure and take appropriate action to reduce environmental impact.
- 2./ To obtain air emission report for 5 power generators.
- 3./ To maintain and separate the solid waste properly.
- 4./ To set up environmental emergency system
- 5./ To obtain and update environmental protection information and communicate its environmental protection program to all employees.
- 6./ To review policy and procedure on environmental protection at least once a year.

**Action plan status:** In Progress

**Planned completion date:** 06/07/13

**Progress update:** 02/19/15 : 1./ Factory had taken initiative steps to reduce environmental impact. 2./ Factory had obtained air emission report for 5 power generators. 3./ Factory had made a separate room for solid waste storages and stacked the waste materials properly. 4./ Factory had developed an environmental emergency system. 5./ Factory has applied ISO 14001 certification. The certification process was being on-going. 6./ Factory had reviewed policy and procedure on environmental protection regularly.

## FINDING NO.8

### POLICY AND PROCEDURES ON HEALTH & SAFETY.

#### FINDING TYPE: Sustainable Improvement Required

##### Finding Explanation

1. The factory's written policies on Health & Safety (H&S) do not include a statement of management's commitment to H&S.
2. The factory does not conduct specific workplace safety training to designated employees with special and related responsibilities.
3. The factory does not provide training to new employees on H&S and the use of personal protective equipment (PPE).

##### Local Law or Code Requirement

FLA Workplace Code (Environmental Relationship Benchmarks ER.15.1 and ER.31; Health, Safety and Environment Benchmarks HSE.8 and HSE.14.2)

##### Root Causes

1. Management is unaware that there is no written and detailed H&S policy.
2. Management is unaware of: a) the training requirement and b) FLA Workplace Code and Benchmarks.
3. Factory does not have a monitoring system to ensure compliance.

##### Recommendations for Immediate Action

### COMPANY ACTION PLANS

1. Factory is requested
  - 1./ To include a statement from management on its commitment to Health and Safety in written Health and Safety policy.
  - 2./ To conduct specific workplace safety training to designated employees
  - 3./ To provide Health and Safety training to new employees and the use of PPE.

**Action plan status:** Completed

**Planned completion date:** 06/07/13

**Progress update:** 02/19/15 : 1./ Statment of management commitment to Health and Safety had been included in Health and Safety policy. 2./ EHS Exective had assigned to provide specific workplace safety

training to designated employees with special responsibilities. 3./ All new employees were trained on Health and Safety and the use of PPE.

**Completion date:** 10/07/13

## FINDING NO.9

### HEALTH & SAFETY

#### FINDING TYPE: Sustainable Improvement Required

##### Finding Explanation

1. The factory has not included chemicals in their risk assessment/survey. Additionally, the assessment has been neither reviewed nor verified. The risk assessment has not been conducted by a qualified person, but by the factory's Assistant HR Manager and a Junior Safety Officer.

##### Local Law or Code Requirement

Bangladesh Labor Act 2006, Chapter 7, Section 79/e; FLA Workplace Code (Health, Safety and Environment Benchmark HSE.1)

##### Root Causes

1. Management lacks awareness.
2. There is a lack of detailed procedure on risk assessment.
3. Lack of a qualified person to conduct the risk assessment.

### COMPANY ACTION PLANS

1. Factory is requested to include risk assessment on chemicals, conduct the assessment by a qualified person and review the assessment.

**Action plan status:** Completed

**Planned completion date:** 06/07/13

**Progress update:** 02/19/15 : Risk assessment had been conducted by EHS Executive. The assessment was included chemicals and reviewed.

**Completion date:** 10/07/13

## FINDING NO.10

### HEALTH & SAFETY

#### FINDING TYPE: Sustainable Improvement Required

##### Finding Explanation

1. 10% of needle guards installed on sewing machines are tampered with, rendering them ineffective.
2. The factory has not taken the appropriate steps to prevent repetitive motion stress /injuries or to protect maintenance workers from job-related risks.

##### Local Law or Code Requirement

FLA Workplace Code (Health, Safety and Environment Benchmarks HSE.14 and HSE.17.1)

##### Root Causes

1. Lack of monitoring by machine safety/maintenance section.
2. Management lacks awareness of FLA Workplace Code and Benchmarks on H&S.
3. The risk assessment does not cover issues around personal protection and maintenance of machinery safety equipment

- appropriately.
4. The risk assessment is not prepared with the involvement of the workers.
  5. No effective worker training on health and safety.

## COMPANY ACTION PLANS

1. Factory is requested
  - 1./ To replace needle guard and assigned a person to monitor the use of needle guard.
  - 2./ To identify and prevent repeated motion-related stress / injury and job-related risks for maintenance workers

**Action plan status:** Completed

**Planned completion date:** 06/07/13

**Progress update:** 02/19/15 : 1./ Factory had installed the needle guards. Line supervisors are assigned to monitor the use of needle guard. 2./ Factory had established guidelines and instructions to identify and prevent repeated motion-related stress / injury and job-related risks for maintenance workers.

**Completion date:** 10/07/13

## FINDING NO.11

### HEALTH AND SAFETY

#### FINDING TYPE: Immediate Action Required

##### Finding Explanation

Factory is not making any efforts to reduce its fire risks:

1. Fire alarms are tested on a quarterly basis instead of monthly; all inspections are done quarterly instead of monthly.
2. The factory does not have designated fire assembly areas.
3. The factory is 156,000 square feet, with 180 available extinguishers; therefore, the factory is short 104 extinguishers.

##### Local Law or Code Requirement

FLA Workplace Codes (Health, Safety and Environment Benchmarks HSE.5 and HSE.6.1)

##### Root Causes

1. Lack of a responsible staff member.
2. Lack of knowledge and awareness on fire preparedness and fire safety, as well as related FLA Code and Benchmarks.

##### Recommendations for Immediate Action

1. Install additional 104 fire extinguishers in order to meet local law requirements.

## COMPANY ACTION PLANS

1. Factory is requested
  - 1./ To test fire alarm system on a monthly basis.
  - 2./ To assign a designated fire assembly area.
  - 3./ To replenish additional fire extinguishers.

**Action plan status:** Completed

**Planned completion date:** 06/07/13

**Progress update:** 02/19/15 : 1./ Factory had tested fire alarm system every month. 2./ Factory had assigned a designated fire assembly area. 3./ Factory had replenished additional fire extinguishers.

**Completion date:** 10/07/13

## FINDING NO.12

### HEALTH AND SAFETY

#### FINDING TYPE: Immediate Action Required

##### Finding Explanation

1. The factory has not labeled its non-potable water stations to avoid confusion between drinking and non-potable water stations.
2. The factory does not allow children over 3 years of age to the childcare facility.

##### Local Law or Code Requirement

Bangladesh Labor Law 2006, Section 58, Drinking water; Bangladesh Fire Services Rules 1961, Standards 9 and 10; Bangladesh Labor Act 2006, Chapter VIII, Section 94; FLA Workplace Code (Health, Safety and Environment Benchmarks HSE.1 and HSE.23)

##### Root Causes

1. Factory lacks awareness of: a) the legal requirements and b) FLA Workplace Codes and Benchmarks.
2. Lack of training for and communication to workers.

##### Recommendations for Immediate Action

1. Label all non-potable water stations.

### COMPANY ACTION PLANS

1. Factory is requested
  - 1./ To label all non-portable water stations.
  - 2./ To define the age of children to allow to childcare facility.

**Action plan status:** Completed

**Planned completion date:** 06/07/13

**Progress update:** 02/19/15 : 1./ Factory had labelled all drinking water and non-portable water stations. 2./ Factory had defined to allow up to 6 years of age to childcare facility.

**Completion date:** 10/07/13