

THE CITY OF EDMONTON

**PROJECT AGREEMENT
VALLEY LINE WEST LRT**

***Schedule 11
Construction Safety Requirements***

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SCHEDULE 11

CONSTRUCTION SAFETY REQUIREMENTS

1. SAFETY

1.1 Safety of Work

Project Co shall be responsible for the safe performance of all of the Project Work, and for the safety of all Project Co Persons engaged in the Project Work. Project Co shall, at a minimum, comply, and shall cause all Project Co Persons to comply, with all Applicable Law and any revisions thereto related to occupational health and safety, including the *Workers' Compensation Act* (Alberta), *Occupational Health and Safety Act* (Alberta), the *Occupational Health and Safety Regulations* (Alberta), the *Occupational Health and Safety Code* (Alberta), the *Safety Codes Act* (Alberta), the NBCAE and the National Fire Code Alberta Edition, as well as the accepted Health and Safety Management System inclusive of any supporting Safety Management Plans.

1.2 Prime Contractor

For the purposes of Applicable Law, Project Co agrees to be, or will cause a Project Contractor (or where the Project Contractor is a joint venture, a party to the joint venture), acceptable to the City acting reasonably, to be the Prime Contractor as defined in the *Occupational Health and Safety Act* (Alberta), during the time periods and in respect of the worksite(s) specified in Appendix 11A [*Prime Contractor Designation*] to this Schedule 11 [*Construction Safety Requirements*].

Accordingly, Project Co shall comply, or cause the designated Project Contractor (or the applicable joint venture party) to comply, with all requirements and obligations of the Prime Contractor, including:

- (a) ensuring continuing coordination of the occupational health and safety activities of all employers, including the City and any Other Contractors, and any Persons engaged by or through any of them, within the applicable worksite(s) specified in Appendix 11A [*Prime Contractor Designation*] to this Schedule 11 [*Construction Safety Requirements*];
- (b) ensuring that all employers, including the City and any Other Contractors, and any Persons engaged by or through any of them, within the worksite(s) specified in Appendix 11A [*Prime Contractor Designation*] to this Schedule 11 [*Construction Safety Requirements*], comply with the *Occupational Health and Safety Act* (Alberta), all applicable safety regulations and codes;
- (c) delivering or filing any notices or any similar documents required pursuant to Applicable Law; and
- (d) complying with the obligations of a Prime Contractor for a multi-employer worksite, as prescribed by Applicable Law.

Notwithstanding that Project Co may delegate Prime Contractor responsibilities to a Project Contractor, Project Co shall remain responsible to the City for all health and safety matters.

If, for any reason, Project Co or the designated Project Contractor (or the applicable joint venture party) is not recognized or found to be the designated Prime Contractor for a particular worksite specified in Appendix 11A [*Prime Contractor Designation*] to this Schedule 11 [*Construction Safety Requirements*], then, to the extent permitted by Applicable Law, Project Co shall cooperate with the City and perform, on behalf of the City, the obligations which the City is required to undertake as the Prime Contractor in connection with those portions of the Lands for which Project Co or the designated Project Contractor (or the applicable joint venture party) was to have been designated as the Prime Contractor. If Project Co is

not going to be the Prime Contractor, the City may, in its discretion, require Project Co and the designated Prime Contractor (as contemplated in the opening paragraph of Section 1.2 [*Prime Contractor*] of this Schedule 11 [*Construction Safety Requirements*]) to execute a separate letter agreement with the City in a form satisfactory to the City, whereby the City, Project Co and the designated Prime Contractor agree to the appointment of the designated Prime Contractor as the Prime Contractor.

1.3 Obligations When Not Prime Contractor

On all worksites for which Project Co or a Project Contractor (or the applicable joint venture party) will not be the Prime Contractor and during any period of time when Project Co or a Project Contractor (or the applicable joint venture party) is not the Prime Contractor for a particular worksite, Project Co shall comply, and ensure that all Project Co Persons comply, with all directions issued by the Prime Contractor for such worksite regarding compliance with Applicable Law related to occupational health and safety.

1.4 Certificate of Recognition

Subject to Section 1.6 [*Temporary Letter of Certification*] of this Schedule 11 [*Construction Safety Requirements*], Project Co shall, if it is eligible to obtain such:

- (a) obtain a Certificate of Recognition (“**Certificate of Recognition**” or “**COR**”) issued by the Government of Alberta before undertaking any portion of the Project Work; and
- (b) maintain a COR throughout the Term.

Project Co shall ensure that each Person designated as Prime Contractor pursuant to Section 1.2 [*Prime Contractor*] of this Schedule 11 [*Construction Safety Requirements*], has, and maintains, a COR at all times when engaged in the performance of any Project Work.

1.5 “Small employers’ Certificate of Recognition” Unacceptable

For the purpose of Section 1.4(a) of this Schedule 11 [*Construction Safety Requirements*], a “small employers’ certificate of recognition” (for employers with less than ten employees) is not acceptable.

1.6 Temporary Letter of Certification

If Project Co is eligible but has not obtained a COR as required by Section 1.4 [*Certificate of Recognition*] of this Schedule 11 [*Construction Safety Requirements*], a valid Temporary Letter of Certification (“**TLC**”) issued by the Alberta Construction Safety Association (“**ACSA**”) will be acceptable for a maximum period of 6 months.

Project Co shall ensure that, if applicable, its registration in the ACSA program is properly documented with the ACSA, and the City will assume no liability for errors or omissions by the ACSA in this regard.

2. HEALTH AND SAFETY MANAGEMENT SYSTEM

2.1 Health and Safety Management System

Not less than 30 days before commencing Construction, or at an alternate date accepted by the City in the Submittal Schedule and Register, Project Co shall prepare and submit to the City a Health and Safety Management System. The Health and Safety Management System shall address all Project Work throughout the Term and shall be prepared by a Qualified person who shall certify that the Health and Safety Management System:

- (a) has been prepared in accordance with Good Industry Practice;

- (b) has been prepared in accordance with the requirements of all Applicable Law and any revisions thereto related to occupational health and safety, including the *Workers' Compensation Act* (Alberta), *Occupational Health and Safety Act* (Alberta), the *Occupational Health and Safety Regulations* (Alberta), the *Occupational Health and Safety Code* (Alberta), the *Safety Codes Act* (Alberta), the NBCAE and the National Fire Code Alberta Edition;
- (c) has been prepared in accordance with the then most current version of a nationally or internationally recognized occupational health and safety standard such as OSHAS 18001;
- (d) addresses overall management of occupational health and safety Hazards associated with the Project, the Lands, each Site and the performance of the Project Work;
- (e) addresses the coordination of occupational health and safety activities of Project Co Persons, Other Contractors, Subcontractors, City Persons and other Persons on the Lands and each Site; and
- (f) addresses the coordination of emergency response planning with the City.

Together with the Health and Safety Management System, Project Co shall prepare and submit to the City an outline of each Safety Management Plan to be prepared by Project Co pursuant to Section 3.1 [*Safety Management Plan*] of this Schedule 11 [*Construction Safety Requirements*].

2.2 Compliance with Health and Safety Management System

Project Co shall implement, and so far as is reasonably practicable to do so ensure that all Project Co Persons engaged in the Project Work comply with, the Accepted Health and Safety Management System, and any subsequent amendments to the Health and Safety Management System, which have been Accepted by the City.

2.3 Review and Amendment of Health and Safety Management System

Project Co shall review and amend the Health and Safety Management System from time to time, but in any event no less than annually, throughout the Term as necessary to ensure that the Health and Safety Management System at all times:

- (a) reflects the nature of the Project Work being performed, including any changes in the worksites, work methods or the Hazards associated with the Project Work; and
- (b) complies with the requirements set out in Section 2.1 [*Health and Safety Management System*] of this Schedule 11 [*Construction Safety Requirements*].

Prior to implementing any Health and Safety Management System amendments, Project Co shall submit to the City the proposed amendments.

3. SAFETY MANAGEMENT PLANS AND SAFE WORK PROCEDURES

3.1 Safety Management Plan

Before commencing a type of Construction activity, Project Co shall prepare and submit to the City an SMP for such type of activity. Each SMP shall be prepared by a Qualified person, and shall:

- (a) comply with Good Industry Practice;

- (b) comply with the requirements of all Applicable Law, and any revisions thereto, related to occupational health and safety, including the *Workers' Compensation Act* (Alberta), *Occupational Health and Safety Act* (Alberta), the *Occupational Health and Safety Regulations* (Alberta), the *Occupational Health and Safety Code* (Alberta), the *Safety Codes Act* (Alberta), the NBCAE and the National Fire Code Alberta Edition;
- (c) be consistent with the applicable SMP outline, which has been Accepted by the City; and
- (d) include a code(s) of practice, where required by Applicable Law, including the *Occupational Health and Safety Code* (Alberta).

3.2 Compliance with SMPs

Project Co shall implement, and so far as is reasonably practicable to do so ensure that all Project Co Persons engaged in the Project Work comply with, each accepted applicable SMP, and any subsequent amendments to such SMPs, which have been Accepted by the City.

3.3 Review and Amendment of SMPs

Project Co shall review and amend each SMP from time to time throughout the Term as necessary to ensure that each SMP at all times:

- (a) reflects the nature of the Project Work being performed, including any changes in the applicable worksite, work methods or the Hazards associated with the applicable Project Work; and
- (b) meets or surpasses the requirements of Section 3.1 [*Safety Management Plan*] of this Schedule 11 [*Construction Safety Requirements*].

Prior to implementing any SMP amendments, Project Co shall submit to the City the proposed amendments.

3.4 Safe Work Procedures

Before commencing a type of Construction activity, Project Co shall prepare an SWP for such type of activity. Each of the SWPs shall be prepared by a Qualified person, knowledgeable in Applicable Law related to occupational health and safety and applicable work procedures, and shall:

- (a) address all Site specific safety Hazards and Site specific work procedures necessary for the safe performance of the applicable Project Work;
- (b) include procedures and exposure control plans applicable to the Site and the performance of the applicable Project Work;
- (c) comply with Good Industry Practice;
- (d) comply with the requirements of all Applicable Law and any revisions thereto related to occupational health and safety, including the *Workers' Compensation Act* (Alberta), *Occupational Health and Safety Act* (Alberta), the *Occupational Health and Safety Regulations* (Alberta), the *Occupational Health and Safety Code* (Alberta), the *Safety Codes Act* (Alberta), the NBCAE and the National Fire Code Alberta Edition; and
- (e) specifically identify the procedures that apply in the event of an accident or safety violation.

3.5 Compliance with SWPs

Project Co shall implement, and cause all Project Co Persons engaged in the Project Work to comply with, the Safe Work Procedures, and any subsequent amendments or updates to the Safe Work Procedures.

4. EMERGENCY RESPONSE PLAN

4.1 Emergency Response Plan

Not less than 30 days before commencing any construction activities, or at an alternate date accepted by the City in the Submittal Schedule and Register, Project Co shall prepare and submit to the City a comprehensive emergency response plan (the “**Emergency Response Plan**”). The Emergency Response Plan shall:

- (a) be prepared in accordance with Good Industry Practice;
- (b) comply with all Applicable Law, including Part 7 of the *Occupational Health and Safety Code* (Alberta);
- (c) identify all reasonably foreseeable emergencies associated with the Project Work;
- (d) describe Project Co’s Project specific emergency preparedness and response procedures, including plans for:
 - (i) the implementation of immediate and appropriate emergency responses upon the occurrence of an emergency on the Lands, including emergencies associated with Construction;
 - (ii) the prevention, or mitigation, of harm to any Person resulting from reasonably foreseeable emergencies associated with the Project Work; and
 - (iii) the minimization of damage to equipment, facilities and the environment resulting from reasonably foreseeable emergencies associated with the Project Work;
- (e) address the coordination of emergency response activities and responsibilities by Project Co Persons and City Persons on the Lands;
- (f) be integrated with City and Provincial emergency response programs, as they may be amended from time to time; and
- (g) be integrated with the Security Program, as applicable.

4.2 Compliance with Emergency Response Plan

Project Co shall implement, and as far as is reasonably practicable cause all Project Co Persons engaged in the Project Work to comply with, the accepted Emergency Response Plan applicable to the scope of Project Work being performed, and any subsequent amendments to the Emergency Response Plan, which have been Accepted by the City.

4.3 Review and Amendment of Emergency Response Plan

Project Co shall review and amend the Emergency Response Plan from time to time, but in any event no less than annually, throughout the Term as necessary to ensure that the Emergency Response Plan at all times meets or surpasses the requirements of Section 4.1 [*Emergency Response Plan*] of this Schedule 11 [*Construction Safety Requirements*].

Prior to implementing any Emergency Response Plan amendments, Project Co shall submit to the City the proposed amendments.

5. WORKERS COMPENSATION MATTERS

5.1 WCB Requirements

Not less than 30 days before commencing Construction and at any time on request of the City's Representative, Project Co shall deliver to the City an Alberta Workers Compensation Board clearance certificate.

Not more than 30 days after the Effective Date, and not more than 30 days after the end of each fiscal quarter, Project Co shall deliver to the City a Workers Compensation Board "Employer Report Card" for Project Co and each of the Project Contractors.

5.2 Indemnity for WCB Non-Compliance

If Project Co or anyone employed by or through Project Co in the performance of any Project Work does not comply with the requirements of the *Occupational Health and Safety Act (Alberta)*, the *Workers Compensation Act (Alberta)* and all regulations and successor legislation thereto, including payment and deduction and remittance of any and all contributions, premiums, fees, assessments and charges required to be made thereunder, Project Co shall indemnify the City from any cost, loss, liability or obligation which the City may incur as a result.

6. SAFETY PERSONNEL

6.1 Organization Chart

Before commencing Construction, and twice annually, Project Co shall prepare and submit to the City, a method statement and reporting hierarchy, as well as supporting justification, demonstrating Project Co's occupational health and safety organization, reporting relationships and responsibilities for the duration of the Term.

6.2 Safety Manager

Before commencing Construction, Project Co shall retain a Safety Manager that meets the requirements for such position as set out in Appendix 26A of Schedule 26 [*Representatives and Key Individuals*].

6.3 Site Safety Coordinators

Project Co shall appoint a sufficient number of Qualified site safety coordinators, having responsibility for the identification and control of potential safety Hazards on the worksites, in accordance with Applicable Law. Project Co shall ensure that during the performance of all Construction activities, a sufficient number of site safety coordinators are on-site and available and aligned with the resource loading provided in the Construction Schedule. Site safety coordinators shall demonstrate the requisite degree of training and competency to act in that capacity, as required by Applicable Law, including the *Occupational Health and Safety Act (Alberta)*.

6.4 Occupational Health and Safety Specialists

Project Co shall have available, as and when required throughout the Term, a multi-disciplinary team of Qualified occupational health and safety specialists, each of whom must:

- (a) have a minimum of 5 years previous field related construction or light rail transit experience; and

- (b) either:
 - (i) be registered or certified:
 - (A) as a Canadian Registered Safety Professional (CRSP);
 - (B) as a Certified Industrial Hygienist (CIH);
 - (C) as a Certified Safety Professional (CSP); or
 - (D) in Occupational Health and Safety by the National Examination Board in Occupational Safety and Health (NEBOSH);
 - (ii) have completed a recognized occupational health and safety training:
 - (A) diploma program (minimum 2 years); or
 - (B) certificate program (minimum 1 year); or
 - (iii) possess a combination of education, qualifications and experience acceptable to the City, acting reasonably.

6.5 Attendance At Meetings

Project Co shall ensure that Project Co's Representative and the Safety Manager regularly attend any site safety meetings, including:

- (a) safety committee meetings;
- (b) Site safety coordination meetings; and
- (c) any additional occupational health and safety meetings required by Applicable Law related to occupational health and safety, including the *Workers' Compensation Act* (Alberta), *Occupational Health and Safety Act* (Alberta), the *Occupational Health and Safety Regulations* (Alberta), the *Occupational Health and Safety Code* (Alberta), the *Safety Codes Act* (Alberta), the NBCAE and the National Fire Code Alberta Edition.

In addition, Project Co shall provide reasonable advance notice of all such meetings to the City's Representative. Representatives of the City shall be permitted, but shall not be obligated to, attend all such meetings.

7. TRAINING

7.1 Site Orientation

Project Co shall provide all Site orientation and training required for City Persons and Other Contractors to safely enter and operate within any worksite for which Project Co or the designated Project Contractor (or the applicable joint venture party) has been designated as the Prime Contractor.

Project Co shall ensure that the Site orientation and training programs at all times comply with Good Industry Practice and all requirements of Applicable Law.

7.2 Safety Training

7.2.1 Safety Training - General

Project Co shall ensure that all Project Co Persons are trained in the safe and proper performance of the Project Work to which they are assigned (whether on-site or off-site) and Project Co shall develop, implement, monitor and evaluate safety training programs necessary to ensure the safe performance of all Project Work. Project Co shall ensure that its safety training programs at all times comply with Good Industry Practice and all requirements of Applicable Law, and:

- (a) identify and address both general and task specific Hazards;
- (b) ensure that all persons engaged in the performance of Project Work are aware of their rights, obligations and duties with respect to occupational health and safety;
- (c) ensure that all persons engaged in the performance of Project Work are aware of the potential consequences of non-compliance with the Health and Safety Management System and the applicable SMPs and SWPs;
- (d) are tailored to the tasks, duties and responsibilities of each person engaged in the performance of Project Work;
- (e) are provided by Qualified persons;
- (f) include timely refresher sessions;
- (g) include mechanisms for participants to evaluate and provide feedback with respect to the training sessions;
- (h) are modified as and when required to ensure continued relevance and effectiveness, based on participant evaluations and feedback and as required by changes in Applicable Law and Good Industry Practice; and
- (i) are provided to all persons engaged in the performance of Project Work during normal working hours and at no cost to the participants.

7.2.2 Safety Training – City as Prime Contractor

Without limiting Section 7.2.1 [*Safety Training – General*] of this Schedule 11 [*Construction Safety Requirements*], Project Co shall ensure that all Project Co Persons who, for any reason relating to or arising out of the Project Work may be required to come within a worksite for which the City has been designated as the Prime Contractor, are trained in and comply with the applicable safety requirements and procedures as specified by the City.

The City's Representative may test any Project Co Persons on their knowledge of safety requirements and procedures, as applicable to the scope of Project Work to which they are assigned, before such time as they come within a worksite for which the City has been designated as the Prime Contractor.

8. FIRST AID

Project Co shall provide, operate and maintain on-site first aid services, supplies, equipment, facilities and personnel as required by Applicable Law, including Part 11 of the *Occupational Health and Safety Code* (Alberta).

Project Co shall monitor the sufficiency, qualifications and performance of its first aid personnel during the performance of the Project Work.

9. ACCIDENTS AND INCIDENTS

9.1 Accident and Incident Reporting

Project Co shall do everything reasonably practicable to ensure that no Person suffers an injury or loss of life and that no property is damaged or lost due to the performance of the Project Work. In the event of any injury to any Person or loss of life in relation to the performance of the Project Work, any damage to property arising from the Project or the performance of the Project Work, any near-miss incident or any public safety incident, Project Co shall:

- (a) investigate the accident, near-miss incident or public safety incident to determine and report on the failed barriers and identify Corrective Actions to prevent the accident, near-miss incident or public safety incident from reoccurring. All investigations shall be carried out by Qualified persons trained in injury and incident investigation, with the participation of the appropriate Project Co Persons, and all reports shall be:
 - (i) prepared using a consistent format, with content and a level of detail acceptable to the City, acting reasonably; and
 - (ii) provided to the City within 24 hours after the occurrence of the applicable accident, near-miss incident or public safety incident;
- (b) promptly implement the Corrective Actions identified in the applicable report;
- (c) where the accident, near-miss incident or public safety incident involves or could have involved a serious injury or death, a major structural failure or collapse, a major release of Hazardous Substances or any circumstance which is required to be reported pursuant to Applicable Law, including Section 40 of the *Occupational Health and Safety Act* (Alberta), provide immediate notification of such accident to the Director of Inspection as required under the *Occupational Health and Safety Act* (Alberta) or the applicable authority having jurisdiction, with a concurrent copy to the City; and
- (d) whenever an incident investigation report is required pursuant to Applicable Law, including the *Occupational Health and Safety Act* (Alberta), prepare and retain such report for inspection by the Director of Inspection or the applicable authority having jurisdiction for such period as prescribed by Applicable Law and provide a concurrent copy of the report to the City.

Within 7 days after the last day of each month during the Term, Project Co shall prepare and submit to the City a statistical report setting out:

- (e) the total number of hours worked by all Project Co Persons on the Project Work for that month;
- (f) any accidents, near miss incidents, public safety incidents and injuries; and
- (g) the aggregate number of lost work days in that month arising from each injury, along with a completed incident management report for each accident, near-miss incident or public safety incident occurring on the Lands, on a Site or on the Infrastructure, to the extent such accidents, near miss incidents, public safety incidents and injuries involve Project Co Persons or the performance of the Project Work.

9.2 Cooperation

Project Co shall cooperate with, and make all relevant Project Co Persons available to, any investigation of an accident, near-miss incident or public safety incident by the City, officers appointed under the *Occupational Health and Safety Act* (Alberta) or any other authority having jurisdiction, and any orders, penalties, prosecutions or appeals related thereto.

9.3 Investigations and Reports

Project Co shall provide prompt notice to the City's Representative if an officer, appointed under the *Occupational Health and Safety Act* (Alberta), or any other authority having jurisdiction performs an investigation or inspection of any Site or of the Infrastructure. Project Co shall provide the City with a copy of any report from an officer appointed under the *Occupation Health and Safety Act* (Alberta) or any other authority having jurisdiction as soon as practicable, and in any event within 24 hours after receipt.

9.4 Orders

Project Co shall notify the City in writing of any orders, including "stop-work orders", issued under the *Occupational Health and Safety Act* (Alberta) or by any other authority having jurisdiction, as soon as practicable, and in any event within 24 hours after receipt.

10. SELF-EVALUATION AND ANNUAL AUDIT

10.1 Safety Inspections and Audits

Project Co shall conduct, or cause to be conducted:

- (a) worksite safety inspections in accordance with Good Industry Practice at least once each month;
- (b) independent audits of the Health and Safety Management System at least once each calendar year; and
- (c) such other safety audits as required for Project Co (if applicable) and all other Project Contractors and Subcontractors to maintain their COR throughout the Term.

10.2 Independent Audits

The independent audits required pursuant to Section 10.1(b) of this Schedule 11 [*Construction Safety Requirements*] shall:

- (a) be conducted by an independent third party, acceptable to the City acting reasonably; and
- (b) assess Project Co's:
 - (i) compliance with, and implementation of, the Health and Safety Management System; and
 - (ii) compliance with the requirements of Applicable Law related to occupational health and safety, including the *Workers' Compensation Act* (Alberta), *Occupational Health and Safety Act* (Alberta), the *Occupational Health and Safety Regulations* (Alberta), the *Occupational Health and Safety Code* (Alberta), the *Safety Codes Act* (Alberta), the NBCAE, the National Fire Code Alberta Edition and the requirements of this Schedule 11 [*Construction Safety Requirements*].

Project Co shall submit to the City the independent auditor's report within one week of the anniversary of the completion of the previous independent audit and in any event within 14 days after receipt.

10.3 Notice of Inspection and Audit

Project Co shall provide advance written notice of each worksite safety inspection, independent audit and other safety audit to the City and the City may, but shall not be obligated to, attend such inspections and audits.

10.4 Corrective Action

Where a worksite safety inspection, independent audit or other safety audit identifies any Nonconformities, Project Co shall, within 10 Business Days of such inspection or audit, prepare and submit to the City a Corrective Action Plan to address and rectify all identified Nonconformities. Project Co shall promptly implement each such Corrective Action Plan to which there is no objection by the City.

10.5 Self-Reporting

Project Co shall implement and maintain an appropriate system of occupational health and safety management documentation, sufficient to demonstrate compliance with all Applicable Law related to occupational health and safety and the requirements of this Schedule 11 [*Construction Safety Requirements*].

Within 7 days after the last day of each year during the Term, Project Co shall prepare and submit to the City a comprehensive occupational health and safety summary, in a form acceptable to the City acting reasonably, for that year, which demonstrates compliance with Applicable Law. The annual occupational health and safety summary shall include:

- (a) the outcome of all completed worksite safety inspections, independent audits and other safety audits;
- (b) all occupational health and safety related Nonconformities and the associated Corrective Actions;
- (c) all accident and incident reports prepared in accordance with Section 9.1 [*Accident and Incident Reporting*] of this Schedule 11 [*Construction Safety Requirements*]; and
- (d) any orders issued under the *Occupational Health and Safety Act* (Alberta) or by any other authority having jurisdiction, during the applicable year.

11. NON-PERFORMANCE EVENTS

Failure by Project Co to comply with the obligations set forth in this Schedule 11 [*Construction Safety Requirements*] may constitute Non-Performance Events and may result in adjustments to the Payments, as more particularly provided in Schedule 16 [*Payment Mechanism*].

**APPENDIX 11A
PRIME CONTRACTOR DESIGNATION**

Table 1 - Prime Contractor responsibility

| Prime Contractor | Date From | Date To | Worksite |
|------------------|--|--|--|
| Project Co | Occupancy of a Site in accordance with a Notice of Occupancy | The later of: (A) when Project Co vacates the Site; and (B) the planned vacate date/time noted in the Notice of Occupancy, but in any event not later than the Construction Completion Date | Site specified in a Notice of Occupancy |
| Project Co | January 31, 2022 | Phase 1 Construction Completion Date | Gerry Wright OMF Building B |
| Project Co | Effective Date | Construction Completion Date | On all Elevated Guideway |
| Project Co | Effective Date | Construction Completion Date | All Wayside Equipment Enclosures |
| Project Co | Effective Date | Construction Completion Date | All Utility Complexes |
| Project Co | Effective Date | Construction Completion Date | All Stops |
| City | Effective Date | Construction Completion Date | All City Lands not otherwise described as Project Co's Prime Contractor responsibility in this Table 1 |

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