

THE CITY OF EDMONTON
DESIGN-BUILD AGREEMENT
CAPITAL LINE SOUTH LRT EXTENSION

Schedule 11
Construction Safety Requirements

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SCHEDULE 11

CONSTRUCTION SAFETY REQUIREMENTS

1. SAFETY

1.1 Safety of Work

Design-Builder shall be responsible for the safe performance of all of the Project Work, and for the safety of all Design-Builder Persons engaged in the Project Work. Design-Builder shall have a working knowledge and, at a minimum, comply, and shall cause all Design-Builder 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, Design-Builder agrees to be, or will designate in writing a Subcontractor 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 Site(s) specified in Appendix 11A [*Prime Contractor Designation*].

Accordingly, Design-Builder shall comply, or cause the designated Subcontractor 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 Site(s) specified in Appendix 11A [*Prime Contractor Designation*];
- (b) ensuring that all employers, including the City and any Other Contractors, and any Persons engaged by or through any of them, within the Site(s) specified in Appendix 11A [*Prime Contractor Designation*], comply with the *Occupational Health and Safety Act* (Alberta), all applicable safety regulations and codes, and Applicable Law;
- (c) delivering or filing any notices or any similar documents required pursuant to Applicable Law; and
- (d) complying with the obligations as a Prime Contractor, as prescribed by Applicable Law.

Notwithstanding that Design-Builder may delegate in writing a Subcontractor to be the Prime Contractor, Design-Builder shall remain responsible to the City for all health and safety matters.

If, for any reason, Design-Builder or the designated Subcontractor is not recognized or found to be the designated Prime Contractor for a particular worksite specified in Appendix 11A [*Prime Contractor Designation*], then, to the extent permitted by Applicable Law, Design-Builder 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 Design-Builder or the designated Subcontractor was to have been designated as the Prime Contractor. If Design-Builder is not going to be the Prime Contractor, the City may, in its discretion, require Design-Builder and the designated Prime Contractor (as contemplated in the opening paragraph of Section 1.2 [*Prime Contractor*]) to execute a separate letter agreement with the City in a form satisfactory to the City, whereby

the City, Design-Builder 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 Sites for which Design-Builder or Subcontractor will not be the Prime Contractor and during any period of time when Design-Builder or Subcontractor is not the Prime Contractor for a particular Site, Design-Builder shall comply, and ensure that all Design-Builder Persons comply, with all directions issued by the Prime Contractor for such Site regarding compliance with Applicable Law.

1.4 ISNetworld

The shareholder as set out in Schedule 24 [*Design-Builder's Ownership Information*] must have a current subscription to ISNetworld (www.isn.com) for the Term.

The shareholder as set out in Schedule 24 [*Design-Builder's Ownership Information*] must have a status of "Certificate Issued" as its most recent COR/SECOR/SMA status on ISNetworld for the Term. The City may be advised by ISNetworld of any non-compliance by the shareholder as set out in Schedule 24 [*Design-Builder's Ownership Information*] with this Section.

The shareholder as set out in Schedule 24 [*Design-Builder's Ownership Information*] must have a passing grade on ISNetworld for the duration of the Term. For the purposes of this a "passing grade" is a grade of A, B, or C.

1.5 Owner Obligations

The Design-Builder is assigned and agrees to perform the duties of "owner" of the land on which the Project Work is being performed or may be performed for the purpose of the *Occupational Health and Safety Act* (Alberta), and further agrees to be responsible for meeting any and all of the "owner's" other obligations under the *Occupational Health and Safety Act* (Alberta).

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, Design-Builder 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) identifies and 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 Design-Builder Persons, Other Contractors, Subcontractors, City Persons and other Persons on the Lands and each Site; and
- (f) addresses the coordination of emergency response planning affecting Design-Builder Persons, Other Contractors, Subcontractors, City Persons and other Persons on the Lands and each Site.

Together with the Health and Safety Management System, Design-Builder shall prepare and submit to the City an outline of each Safety Management Plan to be prepared by Design-Builder pursuant to Section 3.1 [*Safety Management Plan*]. The City will provide preliminary Hazard assessments as Disclosed Data.

2.2 Compliance with Health and Safety Management System

Design-Builder shall implement, and so far as is reasonably practicable to do so ensure that all Design-Builder 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

Design-Builder shall review and amend the Health and Safety Management System from time to time, but in any event no less than annually (which will be calculated as one year following the Effective Date, and then every year thereafter), 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 Sites, 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*].

Prior to implementing any Health and Safety Management System amendments, Design-Builder shall submit to the City the proposed amendments for acceptance.

3. SAFETY MANAGEMENT PLANS AND SAFE WORK PROCEDURES

3.1 Safety Management Plan

Before commencing a type of Construction activity, Design-Builder 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, 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

Design-Builder shall implement, and so far as is reasonably practicable to do so ensure that all Design-Builder 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

Design-Builder shall review and amend each SMP as necessary from time to time throughout the Term, but in any event no less than annually (which will be calculated as one year following the Effective Date, and then every year thereafter), to ensure that each SMP at all times:

- (a) reflects the nature of the Project Work being performed, including any changes in the applicable Site, 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*].

Prior to implementing any SMP amendments, Design-Builder shall submit to the City the proposed amendments. For greater certainty, a review shall be required when there are major scope changes to the Project.

3.4 Safe Work Procedures

Before commencing a type of Construction activity, Design-Builder shall prepare an SWP for such type of activity. Each of the SWPs shall be prepared by an occupational health and safety specialist meeting the criteria of Section 6.4 [*Occupational Health and Safety Specialists*], knowledgeable in Applicable Law 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, 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 reporting procedures that apply in the event of an incident/near miss or safety violation.

3.5 Compliance with SWPs

Design-Builder shall implement, and cause all Design-Builder Persons engaged in the Project Work to have working knowledge of and 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, Design-Builder 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 Design-Builder’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 emergencies associated with the Project Work; and
 - (iii) the minimization of damage to equipment, facilities and the environment resulting from emergencies associated with the Project Work;
- (e) address the coordination of emergency response activities and responsibilities by Design-Builder Persons and City Persons on the Lands; and
- (f) contemplate integration with the Security Program, as applicable.

4.2 Compliance with Emergency Response Plan

Design-Builder shall implement, and as far as is reasonably practicable cause all Design-Builder 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

Design-Builder shall review and amend the Emergency Response Plan from time to time, but in any event no less than annually (which will be calculated as one year following the Effective Date, and then every year thereafter), 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*].

Prior to implementing any Emergency Response Plan amendments, Design-Builder shall submit to the City the proposed amendments for acceptance.

5. WORKERS COMPENSATION MATTERS

5.1 WCB Requirements

The Design-Builder must have a current WCB - Alberta account that is appropriate to the industry.

If directors, partners or owners of the Design-Builder or any Design-Builder Person will be actively providing services under this Agreement, then the Design-Builder must provide WCB coverage for those directors, partners and owners. The Design-Builder shall provide evidence of such coverage to the City upon request.

Not less than 30 days before commencing Construction and at any time on request of the City's Representative, Design-Builder shall deliver to the City an Alberta WCB clearance certificate.

5.2 Indemnity for WCB Non-Compliance

If Design-Builder or any Design-Builder Person 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, Design-Builder 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 (where a year is calculated starting on the Effective Date and then every year thereafter), Design-Builder shall prepare and submit to the City, a method statement and reporting hierarchy, as well as supporting justification, demonstrating Design-Builder's occupational health and safety organization, reporting relationships and responsibilities for the duration of the Term.

6.2 Safety Manager

Before commencing Construction, Design-Builder 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

Design-Builder shall appoint a sufficient number of Qualified site safety coordinators, having responsibility for the identification and control of potential safety Hazards on the Site(s), in accordance with Applicable Law. Design-Builder 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

Design-Builder 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 five 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 two years); or
 - (B) certificate program (minimum one year); or
 - (iii) possess a combination of education, qualifications and experience acceptable to the City, acting reasonably.

6.5 Attendance At Meetings

Design-Builder shall ensure that Design-Builder Project Director 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, 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, Design-Builder shall provide reasonable advance notice of all such meetings to the City. Representatives of the City shall be permitted, but shall not be obligated to, attend all such meetings.

7. TRAINING

7.1 Site Orientation

Design-Builder shall provide all orientation required for City Persons, Other Contractors, and visitors to safely enter and operate within any Site for which Design-Builder or the designated Subcontractor has been designated as the Prime Contractor or is otherwise in control of.

Design-Builder shall ensure that the orientation and any other training at all times comply with Good Industry Practice and all requirements of Applicable Law.

7.2 Safety Training

7.2.1 Safety Training - General

Design-Builder shall ensure that all Design-Builder Persons are trained in the safe and proper performance of the Project Work to which they are assigned and Design-Builder shall develop, implement, monitor and evaluate safety training programs necessary to ensure the safe performance of all Project Work by Design-Builder Persons. Design-Builder 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 Design-Builder 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 Design-Builder 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 applicable SMPs, SWPs, and ERPs;
- (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 Design-Builder Persons engaged in the performance of Project Work during normal working hours and at no cost to the participants.

7.2.2 Safety Training – Other Party as Prime Contractor

Without limiting Section 7.2.1 [*Safety Training – General*], Design-Builder shall further ensure that all Design-Builder 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 or another party has been designated as the Prime Contractor, are trained in and comply with the applicable safety requirements and procedures specified by the Prime Contractor of that Site.

The City's Representative may test any Design-Builder 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

Design-Builder 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).

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

9. INCIDENTS

9.1 Definition

For the purposes of this Section 9 [*Incidents*] only, and notwithstanding any contrary definition contained in Schedule 1,

- (a) **“incident”** means an occurrence, condition, or situation arising in the course of work that resulted in or could have resulted in an injury, illness, damage to health or property, fatality, and includes:
 - (i) exposure to radiation in excess of the maximum limits prescribed in the *Occupational Health and Safety Code* (Alberta);
 - (ii) **“Near-Miss”** incidents, meaning an unplanned event that did not result in injury, illness, or damage but had the potential to do so;
 - (iii) **“Potentially Serious Incidents”** (or **“PSIs”**), meaning an incident required to be reported under Section 33(5) of the *Occupational Health and Safety Act* (Alberta); and
 - (iv) **“Serious Incidents”**, meaning an incident required to be reported under Section 33(2) of the *Occupational Health and Safety Act* (Alberta).
- (b) **“corrective action”** means actions, steps, processes, or developments taken in response to deficiencies or other findings identified following an incident, which will prevent or deter to the greatest extent practicable the incident from reoccurring or otherwise causing harm.

9.2 Design-Builder Obligations

Design-Builder shall do everything reasonably practicable to ensure that no Person suffers an injury or illness and that no property is damaged or lost due to the performance of the Project Work. In the event of an incident in relation to the performance of the Project Work involving a Design-Builder Person, or where the Design-Builder is the Prime Contractor, Design-Builder shall:

- (a) investigate the incident to determine and report on the root cause, identify any failed controls, and to identify corrective actions to prevent or deter to the greatest extent practicable the incident from reoccurring. All investigations shall be carried out by Qualified persons trained in incident investigation, shall involve the participation of the

appropriate Design-Builder 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 incident, or within such additional time as may be requested for the Qualified persons to conduct the investigation and finalize the report, with such additional time to be granted at the discretion of the City acting reasonably;
- (b) promptly implement the corrective actions identified in the applicable report;
 - (c) where the incident is a Potentially Serious Incident or Serious Incident, provide immediate notification to the applicable authority required under the *Occupational Health and Safety Act* (Alberta), with a concurrent copy to the City;
 - (d) prepare and retain any such report or materials for inspection by the applicable authority required under the *Occupational Health and Safety Act* (Alberta), with concurrent copies made available to the City; and
 - (e) immediately provide notification or other documentation to any other authority or person as required by Applicable Law, with a concurrent copy of such notification or documentation provided to the City to the extent permitted by law, including:
 - (i) any relevant health and safety committee, health and safety representative, or affected workers required to be notified by the *Occupational Health and Safety Act* (Alberta), or such equivalent as may be the case.

9.3 Statistical Reporting

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

- (a) the total number of hours worked by all Design-Builder Persons on the Project Work for that month;
- (b) the number of incidents for that month and the total number of incidents occurring during the Project Work;
- (c) the aggregate number of lost work days in that month arising from each incident, along with a completed incident management report for each incident occurring in relation to the performance of the Project Work on the Lands, on a Site or on the Infrastructure, to the extent such incidents, near miss incidents, public safety incidents and injuries involve Design-Builder Persons or the performance of the Project Work.

9.4 Cooperation

Design-Builder shall cooperate with, and make all relevant Design-Builder Persons available to, any investigation of an 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.

9.5 Notification of Occurrence of Investigation

Design-Builder 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 in relation to the Project Work of any Site or of the Infrastructure. Design-Builder shall provide the City with a copy of any report from an officer appointed under the *Occupational Health and Safety Act* (Alberta) or any other authority having jurisdiction as soon as practicable, and in any event within 24 hours after receipt.

9.6 Orders

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

10. SELF-EVALUATION AND ANNUAL AUDIT

10.1 Safety Inspections and Audits

Design-Builder shall conduct, or cause to be conducted:

- (a) Site 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 Design-Builder (if applicable) and the shareholder as set out in Schedule 24 [*Design-Builder's Ownership Information*], and all other Subcontractors, to maintain a status of "Certificate Issued" on ISNetworld as required by Section 1.4 [*ISNetworld*] throughout the Term.

10.2 Independent Audits

The independent audits required pursuant to Section 10.1(b) above shall:

- (a) be conducted by an independent third party, acceptable to the City acting reasonably; and
- (b) assess Design-Builder's:
 - (i) compliance with, and implementation of, the Health and Safety Management System; and

- (ii) compliance with the requirements of Applicable Law, 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*].

Design-Builder 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

Design-Builder shall provide advance written notice of each Site 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 Site safety inspection, independent audit or other safety audit identifies any Nonconformities, Design-Builder 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. Design-Builder shall promptly implement each such corrective action plan to which there is no objection by the City.

10.5 Self-Reporting

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

Within 7 days after the last day of each year during the Term, Design-Builder 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 and this Schedule 11 [*Construction Safety Requirements*]. The annual occupational health and safety summary shall include, at a minimum:

- (a) the outcome of all completed Site safety inspections, independent audits and other safety audits;
- (b) all occupational health and safety related incidents/near misses, root cause analyses and the associated corrective actions;
- (c) all incident reports prepared in accordance with Section 9 [*Incidents*]; and
- (d) any orders, directives, fines or penalties 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 Design-Builder 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
Design-Builder	Occupancy of a Site in accordance with a Notice of Occupancy	The earlier of Construction Completion Date and the date on which the Design-Builder has vacated the Site of an Occupied Right-of-Way provided that it has provided the notices as outlined in Schedule 5, Part 1-4.5 <i>[Maintenance During Construction]</i> Section A.	Site specified in a Notice of Occupancy
City	Effective Date	Construction Completion Date	All City Lands not otherwise described as Design-Builder's Prime Contractor responsibility in this Table 1