

SCHEDULE 8

AVAILABILITY CRITERIA

1. GENERAL

1.1 Capitalized Terms

Capitalized terms used in this Schedule have the definitions as set out in the Agreement to Design, Build, Finance and Operate Evan-Thomas Water and Wastewater Treatment Facilities Upgrade, Kananaskis Country, Alberta (the "**DBFO Agreement**") between Her Majesty the Queen in right of Alberta and the Contractor, as defined therein, or as set out in Schedule 18 (Technical Requirements) to the DBFO Agreement, as applicable, unless expressed otherwise.

1.2 DBFO Agreement Reference

This Schedule is referenced in section 1.3 of the DBFO Agreement, and "**Availability Criteria**" is defined in section 1.1 of the DBFO Agreement. The Availability Criteria that are the subject of this Schedule are referenced in sections 5.12, 5.13, 5.14, 5.17, and 5.18 of the DBFO Agreement.

1.3 Section References

Unless otherwise provided, references to section numbers are references to sections in this Schedule.

2. AVAILABILITY CRITERIA

The Availability Criteria are:

- (a) all components of the Infrastructure have been designed and constructed and are substantially complete in accordance with the Project Requirements, the Detailed Designs and with applicable laws, any authorizations, the Infrastructure Licences, the AE Standards and Guidelines or the Standards and Guidelines;
- (b) all components of the Infrastructure are ready for use and comply with the Technical Requirements and all components are functioning as designed, subject only to minor deficiencies that, either individually or in the aggregate, do not adversely impact the operation of the Infrastructure or the delivery of the service to the End-users;
- (c) the commissioning and startup requirements set out in section 4.12 of Schedule 18 have been completed, including without limitation:
 - (i) the Hydraulic Capacity Tests of the PWTP;

**SCHEDULE 8 – DBFO AGREEMENT
EXECUTION VERSION**

- (ii) the Hydraulic Capacity Tests of the WWTP;
 - (iii) the Hydraulic Capacity Tests of the Potable Water Distribution System;
 - (iv) the 14 Day Performance Test of the PWTP; and
 - (v) the 14 Day Performance Test of the WWTP;
- (d) all required Contractor’s Management Systems and Plans for the Construction Period and the Operating Period set out in Schedule 18 (Technical Requirements) have been completed, delivered to and approved by the Province in accordance with Schedule 5 (Design and Plan Certification Process and Review Procedure), including the following:
- (i) the Handback on Expiry Plan;
 - (ii) the Permitting Plan;
 - (iii) the Demolition and Decommissioning Plan;
 - (iv) the Operation and Maintenance Plan;
 - (v) the Emergency Response Plan;
 - (vi) the O&M Occupational Health and Safety Plan;
 - (vii) the Drinking Water Safety Plan;
 - (viii) the Odour Management Plan;
 - (ix) the Noise Control Plan;
 - (x) the Staffing and Training Plan;
 - (xi) the Residuals Management Plan;
 - (xii) the License Management Plan;
 - (xiii) the Security Plan;
 - (xiv) the Call Centre Plan;
 - (xv) the Water and Wastewater Sampling and Analysis Plan;
 - (xvi) the Asset Management Plan;
- (e) the commissioning and startup test report has been provided to the Province as required by section 4.12.3 of Schedule 18 and in accordance with the Commissioning and Startup Plan;
- (f) two sets of compliant record drawings and specifications (“**Record Drawings**”) have been delivered to the Province as required by Schedule 18; and
- (g) the O&M Manuals have been delivered to the Province as required by section 5.5.2 of Schedule 18.