

## **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 Maintain Three New Schools in Edmonton and Seven New Schools in the Calgary Region of Alberta, Canada (the "**DBFM Agreement**") between Her Majesty the Queen in right of Alberta and the Contractor, or as set out in Schedule 18 (Technical Requirements) to the DBFM Agreement, as applicable, unless expressed otherwise.

##### **1.2 DBFM Agreement Reference**

This Schedule is referenced in section 1.3 of the DBFM Agreement, and "**Availability Criteria**" is defined in section 1.1 of the DBFM Agreement. The Availability Criteria that are the subject of this Schedule are referenced in sections 5.12, 5.13, 5.14, 5.17, 5.18 and 5.19 of the DBFM Agreement.

#### **2. AVAILABILITY CRITERIA**

The Availability Criteria are:

- (a) all components and Areas of the School have been designed and constructed and are substantially complete in accordance with the Project Requirements, the Detailed Designs and all applicable laws, Standards and Guidelines and Authorizations.
- (b) all components and Areas of the School are ready for use and comply with the Technical Requirements and all Building Systems, Building Elements and Building Equipment in the School are functioning as designed, subject only to minor deficiencies that, either individually or in the aggregate, do not:
  - (i) adversely impact the occupation and use of the School or any component or Area of the School or the delivery of the Educational Activities; or
  - (ii) in their completion or correction, adversely impact the occupation and use of the School or any component or Area of the School or the delivery of the Educational Activities.

**SCHEDULE 8 – DBFM AGREEMENT  
EXECUTION VERSION**

- (c) the School satisfies the Accessibility Criteria.
- (d) the commissioning and startup requirements set out in Schedule 18 (Technical Requirements) have been completed, including without limitation all performance tests, adjustments, balancing and retesting of all Building Systems and major equipment have been completed to ensure that the Building Systems and major equipment operate efficiently, safely and in accordance with the Project Requirements and the Detailed Designs.
- (e) all conditions of the Development Permit and the building permit have been satisfied.
- (f) copies of all required Authorizations and inspection certificates have been delivered to the Province, including the following:
  - i. occupancy permit from the Municipality;
  - ii. clear electrical systems inspection certificate;
  - iii. clear boiler and pressure vessel inspection certificate;
  - iv. clear elevator and fixed conveyances inspection certificate;
  - v. clear fire alarm verification certificate;
  - vi. clear plumbing and gas inspection certificate; and
  - vii. clear building standards and fire prevention inspection certificate.
- (g) the LEED<sup>TM</sup> Canada-NC Version 1.0 score card demonstrating the minimum credits for the School that the Contractor will be seeking in its application for LEED<sup>TM</sup> Silver Certification for the School has been provided to the Province.
- (h) the School Site and the School have been cleaned as required by Schedule 18 (Technical Requirements).
- (i) all utility services have been transferred to the School Board as required by Schedule 18 (Technical Requirements).
- (j) all Project Records for the School have been delivered to the Province.
- (k) the Operation and Maintenance Manual for the School has been delivered to the Province.

**SCHEDULE 8 – DBFM AGREEMENT  
EXECUTION VERSION**

- (l) the Maintenance Plan, the Emergency Response Plan and the Security Clearance Process for the School have been delivered to and reviewed by the Province in accordance with Schedule 5 (Design and Plan Certification Process and Review procedure).
- (m) certified copies of the insurance policies required to be obtained and maintained by the Contractor and its subcontractors pursuant to Schedule 11 (Insurance) from the time that the first School achieves School Availability have been delivered to the Province and are in compliance with the requirements of section 11 of the DBFM Agreement and Schedule 11 and the School is covered by the insurance policy required by section 3.1(g) of Schedule 11.
- (n) change-over of locks is complete and keys to the School have been provided to the Province.