

Schedule 18S

Appendix 18S – Geotechnical Baseline Report

SECTION A GENERAL

A.1. Definitions

A.1.1 In this Schedule, unless the context indicates a contrary intention, terms which are defined in the DBA (and not otherwise defined in this Schedule) shall have meanings given to them in the DBA and the following terms shall have the following meanings:

- (a) “**Borehole Testing Depth**” means a depth that is equal to the elevation which is five meters below the lowest elevation where a Differing Geotechnical Site Condition is being claimed;
- (b) “**Geotechnical Baseline Report**” or “**GBR**” has the meaning given in Section A.2.1;
- (c) “**Geotechnical Baseline Statements**” or “**GBS**” means, subject to Section A.3, the statements embedded in the GBR that are identified in bold typeface within curly brackets;
- (d) “**Geotechnical Test Holes**” has the meaning given in Section B.2.1(f);
- (e) “**Geotechnical Testing**” has the meaning given in Section B.1.1(a);
- (f) “**Geotechnical Testing Requirements**” has the meaning given in Section B.2.1;
- (g) “**Geotechnical Testing Results**” has the meaning given in Section B.1.1(b);
- (h) “**Geotechnical Testing Zone**” has the meaning given in Section B.2.1(e);
and
- (i) “**Interpreted Stratigraphic Profile**” means the baseline stratigraphy and anticipated subsurface conditions (soil and groundwater) to be encountered within the Lands during construction.

A.2. Geotechnical Baseline Report

A.2.1 For the purposes of the DBA, the geotechnical baseline report (the “**Geotechnical Baseline Report**”) shall mean the report entitled [•] in Attachment 1.

A.2.2 Design Builder acknowledges and agrees that, except in respect of the Geotechnical Baseline Statements, the GBR is Background Information only. Notwithstanding that the GBR is part of this Schedule, only the Geotechnical Baseline Statements contained in the GBR are intended to be contractually binding pursuant to Section D7 of the DBA.

A.3. Geotechnical Baseline Statements

A.3.1 The Parties acknowledge and agree that the Geotechnical Baseline Statements shall be interpreted in accordance with the following:

- (a) Geotechnical Baseline Statements, including referenced tables, figures or footnotes, are standalone and independent statements;
- (b) if a table, figure, or footnote is referenced in the Geotechnical Baseline Statement, the referenced table, figure, or footnote is considered to be part of the Geotechnical Baseline Statement;
- (c) any reference to the Interpreted Stratigraphic Profile in a Geotechnical Baseline Statement is considered to be a reference to the electronic version of the Interpreted Stratigraphic Profile;
- (d) in the event of ambiguities, conflicts, or inconsistencies between or among one or more of the Geotechnical Baseline Statements, or between or among any Geotechnical Baseline Statement and any other information set out in the GBR or other Background Information, the following shall apply:
 - (i) any Geotechnical Baseline Statement(s) establishing a higher risk or level of variability in the applicable geotechnical Site Condition shall govern and take precedence over all Geotechnical Baseline Statement(s) that establish a lower risk or variability in the applicable geotechnical Site Conditions; and
 - (ii) the Geotechnical Baseline Statements shall govern and take precedence over any other information set out in the GBR or other Background Information; and
- (e) Geotechnical Baseline Statements do not represent a warranty that the indicated subsurface conditions will, in fact, be encountered.

SECTION B ESTABLISHING DIFFERING GEOTECHNICAL SITE CONDITIONS

B.1. Evidence and Testing

B.1.1 In order to establish whether a geotechnical Site Condition experienced by Design Builder is a Differing Geotechnical Site Condition pursuant to Section D7 of the DBA, Design Builder shall provide the City with the following information:

- (a) written evidence of all testing (including all applicable field, in situ, and laboratory tests), investigations, and subsurface explorations conducted by Design Builder for the purposes described in this Section B.1, including all testing carried out by Design Builder in accordance with Attachment 2 (the “**Geotechnical Testing**”);
- (b) written results and values derived from Geotechnical Testing that are of a quality and quantity capable of forming reasonable basis for statistical comparisons to the applicable Geotechnical Baseline Statement (the “**Geotechnical Testing Results**”);
- (c) analytical, graphic (including stratigraphic profiles as applicable), and statistical comparisons of the Geotechnical Testing Results in respect of the

claimed geotechnical Site Condition against the applicable Geotechnical Baseline Statement on a “like for like” basis;

- (d) identification and description of the impact of any alleged Differing Geotechnical Site Condition on production rates, materials, equipment use, labour requirements, and other cost and schedule expectations (including as may have been based on the applicable Geotechnical Baseline Statement); and
- (e) any other information required by the DBA.

B.2. Testing Requirements

B.2.1 Any Geotechnical Testing shall be conducted in accordance with the following requirements (collectively, the “**Geotechnical Testing Requirements**”):

- (a) Design Builder shall comply with the minimum requirements set out in Attachment 2 to this Schedule 18Q for the Geotechnical Baseline Statement in relation to a Differing Geotechnical Site Condition;
- (b) Design Builder shall notify the City at least 2 Business Days in advance of any Geotechnical Testing, and the City shall have the right to be present at and observe any such Geotechnical Testing;
- (c) Design Builder shall provide the Owner with the opportunity to obtain split or duplicate samples or testing measurements as Design Builder obtains these from such Geotechnical Testing;
- (d) all Geotechnical Testing shall be conducted by Design Builder in accordance with the following:
 - (i) the applicable ASTM International standards, CSA Standards, or other standards as are applicable and used to produce data of the same type as reported in the GBR, as such standards are amended from time to time; and
 - (ii) Good Industry Practice;
- (e) the minimum investigation zone for any Geotechnical Testing (each such zone a “**Geotechnical Testing Zone**”) shall extend a minimum of 10 metres in all directions beyond the areal extent of each Differing Geotechnical Site Condition, and to the Borehole Testing Depth;
- (f) Design Builder shall place boreholes in the Geotechnical Testing Zone (the “**Geotechnical Test Holes**”);
- (g) the Geotechnical Test Holes shall be advanced to a minimum depth equal to the Borehole Testing Depth and shall include all applicable field testing; and

- (h) Design Builder shall create and decommission all Geotechnical Test Holes in accordance with Good Industry Practice and Applicable Law.
- B.2.2 Design Builder acknowledges and agrees that it shall be responsible for any delays or additional costs in respect of the Works caused by any Geotechnical Testing.

ATTACHMENT 1: GEOTECHNICAL BASELINE REPORT

[Note to Proponents: to be developed during Development Phase]

ATTACHMENT 2: MINIMUM TESTING REQUIREMENTS

[Note to Proponents: to be developed during Development Phase]