

SCHEDULE 5

DEVELOPMENT PHASE REVIEW PROCEDURE

SECTION A GENERAL

A1. Capitalized Terms

A1.1 Capitalized terms used in this DPA Schedule 5 – Development Phase Submittal Review Process have the meanings set out in the DPA, unless otherwise expressed in this DPA Schedule 5 – Development Phase Submittal Review Process.

A2. Definitions

A2.1 In this DPA Schedule 5 – Development Phase Submittal Review Process, the following terms have the following meanings:

- (a) **“Blackout Review Period”** means the period from December 24 to January 2 in each calendar year that will not be considered Business Days with respect to the time-frames noted for review and/or response as set out in this DPA Schedule 5 – Development Phase Submittal Review Process;
- (b) **“Comment Resolution Sheet”** or **“CRS”** means the tracking sheet created for each Submittal with comments from the City’s Submittal Review Procedure;
- (c) **“Comment Type”** has the meaning indicated in Section C3.2;
- (d) **“Confirmation”** means receiving a submittal endorsement of “Approved” via an Aconex transmittal.
- (e) **“Submittal Endorsement”** has the meaning indicated in Section C3.3;
- (f) **“Submittal Review Procedure”** means the review procedure for Submittals in accordance with Section C of this DPA Schedule 5 – Development Phase Submittal Review Process; and
- (g) **“Submittal Schedule”** means the schedule for the submission of Submittals to the City in accordance with Section B2 of this DPA Schedule 5 – Development Phase Submittal Review Process.

A3. General

A3.1 The City will not review Submittals or CRSs during the Blackout Review Period. For clarity, these dates will not be included in the review time-frames outlined in this DPA Schedule 5 – Development Phase Submittal Review Process.

A3.2 Development Partner may submit a Submittal during the Blackout Review Period, however, the City will not begin its review in accordance with this DPA Schedule 5 –

Development Phase Submittal Review Process until the Blackout Review Period has ended.

- A3.3 The City may, in reviewing any Submittal or CRS in accordance with this DPA Schedule 5 – Development Phase Submittal Review Process, refer such Submittal or CRS to City departments, or any of the City’s employees, agents, advisers, consultants, contractors or subcontractors.

SECTION B SUBMITTALS

B1. General

- B1.1 Development Partner shall prepare all Submittals in accordance with this DPA Schedule 5 – Development Phase Submittal Review Process.
- B1.2 Submittals provided for review in accordance with this DPA Schedule 5 – Development Phase Submittal Review Process shall be submitted by Development Partner in accordance with the Draft DBA Schedule 13 – Document Management System and reasonable instructions provided by the City.
- B1.3 Development Partner shall address and resolve any comments from the City’s Submittal Review Procedure to the satisfaction of the City, acting reasonably, in accordance with Section C of this DPA Schedule 5 – Development Phase Submittal Review Process.

B2. Submittal Schedule

- B2.1 Prior to the commencement of the Submittal Review Procedure set out in Section C of this DPA Schedule 5 – Development Phase Submittal Review Process, Development Partner shall provide a Submittal Schedule for review by the City in accordance with this DPA Schedule 5 – Development Phase Submittal Review Process.
- B2.2 The Submittal Schedule shall be updated every 3 months in the form of a searchable and sortable spreadsheet and contain the following information:
- (a) Submittal Schedule shall include all submittals for the next 3 months.
- B2.3 The information included in the Submittal Schedule shall be consistent with the Work Breakdown Structure developed in accordance with DPA Schedule 4 – Development Phase Schedule Requirements. The Submittal Schedule shall consider that more than 1 submission may be required for each Submittal. The number of submissions for each Submittal shall be in accordance with the Technical Requirements.
- B2.4 The Submittal Schedule shall illustrate that submittals are reasonably spread over the 3-month period, is reasonable to achieve, adheres to the City’s review periods as set out in Section C4.4 and adheres to the Blackout Review Period, if applicable. The Submittal Schedule shall ensure the sequence of submission of Submittals is prepared in a logical manner. For example, preceding design elements should be submitted prior to subsequent design elements.

B3. Deviation from Submittals Prohibited

B3.1 The Works shall be undertaken in a manner consistent with the Submittals as reviewed by the City in accordance with this DPA Schedule 5 – Development Phase Submittal Review Process. However, in the event Development Partner Development proposes a change to any Submittal, due to:

- (a) non-conformance with the Technical Requirements and DPA; or
- (b) unforeseen circumstances beyond Development Partner's control,

then Development Partner shall as soon as practicably possible, submit a revised Submittal to the City in accordance with this DPA Schedule 5 – Development Phase Submittal Review Process.

SECTION C SUBMITTAL REVIEW PROCEDURE

C1. General

- C1.1 Development Partner shall provide to the City all Submittals in accordance with the requirements of the DPA for review by the City.
- C1.2 Upon receipt of a Submittal from Development Partner, the City will generate a CRS for the Submittal.
- C1.3 The CRS generated by the City for a Submittal shall become part of the Submittal.

C2. Further Information Requested by the City

- C2.1 If the City so requests, Development Partner shall submit any further or other information, data and documents (including details of calculations and comments from members of the Design Team) that may be reasonably required for a full understanding of any Submittal contemplated in this DPA Schedule 5 – Development Phase Submittal Review Process and its implications, within 10 Business Days of receipt of request from the City.
- C2.2 Further to Section C2.1 of this DPA Schedule 5 – Development Phase Submittal Review Process, Development Partner shall take all such steps, as may be reasonably required to satisfy the City, that the proposed document or proposed course of action complies with the DPA or is appropriate in the circumstances.
- C2.3 Further to Section C2.2 of this DPA Schedule 5 – Development Phase Submittal Review Process, the time-frames set out in Section C4.4 of this DPA Schedule 5 – Development Phase Submittal Review Process will be extended by the number of Business Days it takes for Development Partner to respond to the City's request.

C3. Submittal Review by the City

- C3.1 The City will review the Submittal with respect to achieving compliance with the DPA with particular attention to:
- (a) the Submittal not deviating in a material manner from a previous Submittal (e.g. the Intermediate Design Submittal does not deviate from the Preliminary Design Submittal);
 - (b) the Submittal meeting the requirements of DPA Schedule 3 – Development Phase Scope of Work.
- C3.2 In the CRS, the City will log and record all its comments in regards to its review of the Submittal and each comment will be tagged with a comment type (a **“Comment Type”**) as follows:
- (a) **“Comment”**: a **“Comment”** may relate to all or part of the Submittal:
 - (i) not likely achieving compliance with the Technical Requirements or other applicable provision in the DPA, as determined by the City;
 - (ii) deviating in a material manner from the previous Submittal;
 - (iii) with respect to the Development Phase Schedule, not being reasonable in view of the status of the Project;
 - (iv) not likely achieving compliance with DPA Schedule 3 – Development Phase Scope of Work - Management Plans,
 - (b) and such **“Comment”** shall require Development Partner to revisit, revise and resubmit the Submittal to the City; or
 - (c) **“Observation”**: an **“Observation”** may relate to all or part of the Submittal:
 - (i) likely achieving compliance with the Technical Requirements or other applicable provision in the DPA;
 - (ii) deviating in a non-material manner from the previous submittal;
 - (iii) regarding the Development Phase Schedule, being reasonable in view of the status of the Project; or
 - (iv) likely achieving compliance with DPA Schedule 3 –Development Phase Scope of Work,
 - (d) but such **“Observation”** may require Development Partner to provide clarification, additional information, or a resubmission, as applicable.
- C3.3 Upon completing its review of the Submittal, in the CRS, the City will provide an overall endorsement (a **“Submittal Endorsement”**) of the submittal as follows:

- (a) for Stage Gate Reports:
 - (i) “Comments”: all or some of the Comment Types are “Comment”; or
 - (ii) “Work May Proceed”:
 - (A) all Comment Types are “Observation”; or
 - (B) no comments provided in CRS;
 - (iii) “Not Recommended”
 - (A) the City has determined that the Stage Gate Reports have not been approved;
- (b) for all other types of Submittals:
 - (i) “Comments”: all or some of the Comment Types are “Comment”;
 - (ii) “Observations”: all Comment Types are “Observation”; or
 - (iii) “Received”: no comments provided in CRS.

C4. Submittal Response by the City

C4.1 Subject to Sections C4.2, C4.3 and C4.4 of this DPA Schedule 5 – Development Phase Submittal Review Process, the City will, as soon as is practicable from receipt of a Submittal (or such longer time as may be prescribed in the DPA or as the Parties may agree), return a response on the relevant Submittal with a Submittal Endorsement.

C4.2 If the City has referred a Submittal or a portion of a Submittal to another entity or person pursuant to Section A3.3 of this DPA Schedule 5 – Development Phase Submittal Review Process and, as a result, the City is delayed in returning a response on the relevant Submittal in the time-frame set out in Section C4.4 of this DPA Schedule 5 – Development Phase Submittal Review Process, the City will, as soon as reasonably possible, notify Development Partner Representative of such delay.

C4.3 If, at any time, either or both of the following situations occur:

- (a) Development Partner submits an unreasonably large number or volume of Submittals not reasonably anticipated by the current Submittals Schedule; or
- (b) a Submittal was, or Submittals were, received for review later than indicated in the current Submittals Schedule, such that the City cannot review the Submittal or Submittals within the time permitted in Section C4.4 of this DPA Schedule 5 – Development Phase Submittal Review Process,

then the City shall, within 5 Business Days following receipt of such Submittal or Submittals, provide Development Partner with a reasonable estimate of the time necessary for reviewing such Submittal or Submittals, which shall supersede the

time-frames provided in Section C4.4 of this DPA Schedule 5 – Development Phase Submittal Review Process.

- C4.4 The City will return a response on the relevant Submittal with a Submittal Endorsement, as soon as is practicable and within the following time-frames
- (a) 20 Business Days following receipt of the complete Preliminary Design Submittal in relation to the Work;
 - (b) 20 Business Days following receipt of an Intermediate Design Submittal in relation to the Work;
 - (c) 7 Business Days following receipt of a resubmission of any previously submitted Submittal; and
 - (d) 15 Business Days for any other type of Submittal, unless otherwise indicated in the Schedule 3 – Scope of work.
- C4.5 If the City does not return a Development Partner's Submittal document (including any resubmitted Submittal document) within the time-frame set out in Section C4.4 of this DPA Schedule 5 – Development Phase Submittal Review Process, then the City will be deemed to have returned that Submittal document to Development Partner endorsed "Received"
- C4.6 If, at any time after providing a Submittal Endorsement to a submittal, the City or Development Partner discovers any significant deficiencies or any failure to conform to the requirements of the DPA, the City may revise the Submittal Endorsement to any affected submittal. If the Parties agree, that the revised Submittal Endorsement is correct, Development Partner shall make all such corrections to the affected Submittals. No extension of time will be given, or additional compensation paid in respect of any such modification or resubmittal.
- C4.7 For clarity, neither a response by the City, including any Submittal Endorsement on any Submittal, nor failure by the City to provide a response or participate in any manner in respect of the Submittal Review Procedure shall:
- (a) relieve Development Partner from Development Partner's exclusive responsibility to ensure that the Project complies with the DPA;
 - (b) excuse any failure by Development Partner to carry out the Work in accordance with the DPA; or
 - (c) estop the City from asserting any non-compliance with the DPA.
- C5. Development Partner's Response to Submittal Endorsements**
- C5.1 For Submittals with Submittal Endorsed "Comments", Development Partner shall:
- (a) for each "Comment" in the CRS:

- (i) indicate how the revised Submittal now complies with the DPA with specific reference to the issue raised in the City’s “Comment”; or
 - (ii) indicate how the original Submittal complied with the DPA with specific reference to the issue raised in the City’s “Comment”;
- (b) for each “Observation” in the CRS, if any:
- (i) Provide the clarification or additional information as requested in the City’s “Observation” and revise the Submittal if necessary; or
 - (ii) indicate how the original Submittal complied with the DPA with specific reference to the issue raised in the City’s “Observation”;
- (c) revise the Submittal, along with the CRS and resubmit to the City per the Draft Design Build Agreement Schedule 13 – Document Management System;

C5.2 For Submittals with Submittal Endorsed “Observations”, Development Partner shall:

- (a) for each “Observation” in the CRS, if any:
- (i) provide the clarification or additional information as requested in the City’s “Observation” and revise the Submittal if necessary; or
 - (ii) indicate how the original Submittal complied with the DPA with specific reference to the issue raised in the City’s “Observation”; and
- (b) revise the Submittal (if necessary), along with the CRS and resubmit to the City per the Draft Design Build Agreement - Schedule 13 – Document Management.

C5.3 For Submittals with Submittal Endorsed “Work May Proceed”, Development Partner shall:

- (a) for each “Observation” in the CRS, if any:
- (i) provide the clarification or additional information as requested in the City’s “Observation” and revise the Submittal if necessary; or
 - (ii) indicate how the original Submittal complied with the DPA with specific reference to the issue raised in the City’s “Observation”;
- (b) be allowed to proceed to the next Design Phase (e.g. for a Preliminary Design Submittal, Development Partner may now proceed to Intermediate Design Submittal); and
- (c) include the responses in the CRS in the Submittal for the next Design Phase.

C5.4 For Submittals with Submittal Endorsed “Received”, Development Partner shall:

- (a) for Management Plans: have the Management Plan incorporated into DPA Schedule 3 – Development Phase Scope of Work; or

- (b) for all other types of Submittals: implement the applicable portion of the Work related to the Submittal document or proposed course of action.

- C5.5 Upon receipt of a Submittal Endorsement of “Comments” or “Observations”, Development Partner shall respond to the City in accordance with Section C5.1 or Section C5.2, as applicable, as soon as is practicable (or such longer time as may be prescribed in the DPA or as the Parties may agree) and within the following time-frames:
 - (a) 20 Business Days following receipt of a Submittal Endorsement provided by the City for Preliminary Design Submittal;
 - (b) 20 Business Days following receipt of a Submittal Endorsement provided by the City for Intermediate Design Submittal;
 - (c) 7 Business Days following receipt of a Submittal Endorsement issued from the City for a resubmission of any previously submitted Submittal; and
 - (d) 15 Business Days following receipt of a Submittal Endorsement issued from the City for any other type of Submittal, unless otherwise indicated in the Technical Requirements.

- C5.6 Should the Development Partner require additional time to return a response following receipt of a Submittal Endorsement issued from the City, a formal request can be requested in accordance with the Draft DBA - Schedule 13 – Document Management System and reasonable instructions provided by the City.

SECTION D DEVELOPMENT PHASE DELIVERABLES

Document	Schedule	Section	Transfers to DBA
Project Management Plan – part of Development Phase Plan	3	B6.3.(a)	No
Communication Plan – part of Development Phase Plan	3	B6.3.(b)	No
Document Plan – part of Development Phase Plan	3	B6.3.(c)	No
Design Quality Management Plan – part of Development Phase Plan	3	B6.3.(d)	No
Development Phase WBS – part of Development Phase Plan	3	B6.3.(e)	Yes
Development Phase Schedule	3	B7	No
Preliminary Design Period Work Plan	2/3	E1.4/B8	No
Technical Memo on Document Review	3	C2.4	Yes
Risk Management Plan	3	C4.1.(a)	No
Permitting and Approvals Plan	3	C4.1.(b)	Yes
Geotechnical Investigation Plan	3	C5.1.1	Yes
Preliminary Design Drawings	3	C6	No
Preliminary Design Report	3	C7	No
Preliminary Design HIRA Report	3	C8.1.(a)	No
HAZOP methodology report	3	C8.1.(b)	No
Preliminary corrosion study report	3	C9.1.(a)	No
Preliminary CFD models and reports	3	C9.1.(b)	No
Preliminary baffling factor model and report	3	C9.1.(c)	No
Preliminary air dispersion modelling	3	C9.1.(d)	No

Document	Schedule	Section	Transfers to DBA
Preliminary ground modeling	3	C9.1.(e)	No
Preliminary lighting design model	3	C9.1.(f)	No
Preliminary power study model and report	3	C9.1.(g)	No
Preliminary Master Equipment Schedule	3	C10.1.(a)	No
Preliminary cost estimate	3	C11	No
Preliminary Development Phase Schedule for the Implementation Phase	3	C12	No
Preliminary Design Submittal (including supporting Technical Documentation)	3	C14	No
Intermediate Design Period Work Plan	2/3	E1.4/C13	No
Project Management Plan – as part of Implementation Phase Management Plans	3	D3.1.(a)	Yes
Quality Management Plan – as part of Implementation Phase Management Plans	3	D3.1.(a)	Yes
Health, Safety and Security Management Plan – as part of Implementation Phase Management Plans	3	D3.1.(a)	Yes
Environmental Management Plan – as part of Implementation Phase Management Plans	3	D3.1.(a)	Yes
Communication Plan – as part of Implementation Phase Management Plans	3	D3.1.(a)	Yes
Document Plan – as part of Implementation Phase Management Plans	3	D3.1.(a)	Yes

Document	Schedule	Section	Transfers to DBA
Risk Management Plan – as part of Implementation Phase Management Plans	3	D3.1.(a)	Yes
Construction Management Plan – as part of Implementation Phase Management Plans	3	D3.1.(a)	Yes
Commissioning Plan – as part of Implementation Phase Management Plans	3	D3.1.(a)	Yes
Social Procurement Management Plan	3	D3.1.(b)	Yes
Intermediate Design Drawings	3	D4	Yes
Intermediate Design Report	3	D5	Yes
Intermediate Design HIRA Report	3	D6.1.(a)	Yes
Intermediate Design HAZOP report	3	D6.1.(b)	Yes
Asset Criticality Requirements	3	D6.1.(c)	Yes
Initial hydraulic model and report for fire protection study	3	D7.1.(a)	Yes
Final corrosion study report	3	D7.1.(b)	Yes
Final CFD models and reports	3	D7.1.(c)	Yes
Final baffling factor model and report	3	D7.1.(d)	Yes
Initial power study model and report	3	D7.1.(e)	Yes
Initial ground model and report	3	D7.1.(f)	Yes
Initial lighting model and report	3	D7.1.(g)	Yes
Qualifications of independent firm performing odour sampling for air dispersion model	3	D7.1.(h)	Yes
Qualifications of independent firm performing odour panel testing for air dispersion model	3	D7.1.(i)	Yes

Document	Schedule	Section	Transfers to DBA
Updated Master Equipment Schedule	3	D8.1.(b)	Yes
Geotechnical Baseline Report	3	D8.1.(b)	Yes
Updated and blacklined Technical Specifications	3	D8.1.(c)	Yes
Preliminary process control narratives	3	D8.1.(d)	Yes
Preliminary PLC I/O lists	3	D8.1.(e)	Yes
Preliminary functional requirements specifications	3	D8.1.(f)	Yes
Intermediate Cost Estimates	3	D9	Yes
Intermediate Development Phase Schedule for the Implementation Phase	3	D10	Yes
Intermediate Design Submittal	3	D12	Yes