

WORKER ACCOMMODATION PROJECT AGREEMENT

SCHEDULE 16

ABORIGINAL INCLUSION AND REPORTING REQUIREMENTS

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APPENDIX 16A ABORIGINAL INCLUSION PERFORMANCE REPORT

WORKER ACCOMMODATION PROJECT AGREEMENT

SCHEDULE 16

ABORIGINAL INCLUSION AND REPORTING REQUIREMENTS

1 INTERPRETATION

1.1 Definitions

In this Schedule 16 [Aboriginal Inclusion and Reporting Requirements], in addition to the definitions set out in Schedule 1 [Definitions and Interpretation]:

“**Aboriginal**” means Indian (as defined in the *Indian Act* (Canada)), Metis or Inuit;

“**Aboriginal Business**” means:

- (a) a sole proprietorship, wholly owned by an Aboriginal person;
- (b) a corporation with at least 51% of the equity, including common or voting shares, directly owned by one or more Aboriginal Businesses or Aboriginal persons;
- (c) a partnership or joint venture (between two or more Aboriginal Businesses or between one or more Aboriginal Business(es) and one or more non-Aboriginal Business(es)) with at least 51% of the ownership rights, including any voting rights, directly owned by one or more Aboriginal Businesses or Aboriginal persons; or
- (d) any other business with a substantial amount of ownership rights held by one or more Aboriginal Businesses or Aboriginal persons, as determined by BC Hydro, acting reasonably;

“**Aboriginal Inclusion Performance Report**” has the meaning set out in Section 2.3 of this Schedule 16 [Aboriginal Inclusion and Reporting Requirements];

“**Aboriginal Inclusion Plan**” has the meaning set out in Section 2.2 of this Schedule 16 [Aboriginal Inclusion and Reporting Requirements]; and

“**Aboriginal Opportunities Coordinator**” or “**AOC**” has the meaning set out in Section 3.1 of this Schedule 16 [Aboriginal Inclusion and Reporting Requirements].

2 COMMITMENTS

2.1 Commitments

Project Co acknowledges that BC Hydro has commitments with respect to Aboriginal groups regarding business, employment and other opportunities relating to the Project, and that BC Hydro is looking to Project Co to satisfy some of these commitments. Accordingly, Project Co will use reasonable commercial efforts to achieve the following in the performance of the Design, Construction and Services:

- (a) Provision of contract opportunities for Aboriginal Businesses, [REDACTED] of contract opportunities to Aboriginal Businesses affiliated with [REDACTED].
[REDACTED] With respect to [REDACTED] potential applicable contract opportunities that have been identified by [REDACTED] Aboriginal Businesses include, but are not limited

to: safety and security, heaving lifting equipment, earth moving and civil work, trucking, helicopters, worker transportation, offices and on-site administration facilities, electrical, environmental monitoring, investigation and reclamation of contaminated sites, and other site monitoring, reclamation and remediation work);

- (b) Provision of employment opportunities for Aboriginal persons; and
- (c) Provision of training opportunities for Aboriginal persons.

2.2 Aboriginal Inclusion Plan

Project Co will cause the AOC to prepare and sign a written plan (the **"Aboriginal Inclusion Plan"**) that sets out the approach by which the commitments as described in Section 2.1 of this Schedule 16 [Aboriginal Inclusion and Reporting Requirements] for contracting of Aboriginal Businesses and the employment and training of Aboriginal persons can be achieved in the performance of the Design, Construction and Services. The Aboriginal Inclusion Plan will, at a minimum:

- (a) identify specific scopes of the Design, Construction and Services which Project Co and BC Hydro agree have reasonable potential to provide contracting of Aboriginal Businesses and the employment and training of Aboriginal persons in the performance of the Design, Construction and Services; and
- (b) identify targets (such as number of employees or dollar value of work) for contracting with Aboriginal Businesses and employing and training targets for Aboriginal persons in the performance of the Design, Construction and Services.

Prior to commencing any Construction at the Site Project Co will submit the Aboriginal Inclusion Plan to BC Hydro for Consent.

Project Co will cause the AOC to update and sign the Aboriginal Inclusion Plan monthly, after submission to BC Hydro for Review.

2.3 Reporting

Project Co will prior to the 15th day of a calendar month prepare monthly a report (the **"Aboriginal Inclusion Performance Report"**) of the actual following amounts as of the end of the previous calendar month:

- (a) the number and value of contracts with Aboriginal Businesses relating to the performance of the Design, Construction and Services that were awarded in the previous calendar month, and cumulative with respect to all Design, Construction and Services performed to the end of the previous calendar month and, for each such contract:
 - (i) the type of contract (e.g., " dam site perimeter security");
 - (ii) the company to which the contract was awarded;
 - (iii) the total value of the contract; and
 - (iv) the amount paid on the contract, as supported by invoices, as of the end of the previous calendar month and cumulative with respect to all Design, Construction and Services performed under the contract to the end of the previous calendar month;
- (b) the number of Aboriginal persons, and number of hours, employed in the performance of the Design, Construction and Services in the previous calendar month, and cumulative with respect

to all Design, Construction and Services performed to the end of the previous calendar month;
and

- (c) the number of Aboriginal persons, and number of hours, who have received training, and the type of training received in the previous calendar month, and cumulative with respect to all Design, Construction and Services performed to the end of the previous calendar month,

together with variances from the targets as set out in the Aboriginal Inclusion Plan, as may be updated under Section 2.2 of this Schedule 16 [Aboriginal Inclusion and Reporting Requirements]. All information in the Aboriginal Inclusion Performance Report will be separated to identify the specific Aboriginal groups that have been involved in the reporting period.

Without limiting any other requirement of this Section 2.3, Project Co will, in preparing its Aboriginal Inclusion Performance Report, generally use the form set out in Appendix 16A [Aboriginal Inclusion Performance Report], or such other form as Hydro's Representative may from time to time require.

3 ABORIGINAL OPPORTUNITIES COORDINATOR

3.1 Aboriginal Opportunities Coordinator

Project Co will, within 60 days of the Effective Date appoint a person (the '**Aboriginal Opportunities Coordinator**' or "**AOC**") to be a coordinator of opportunities for the involvement of Aboriginal Businesses and Aboriginal persons in the performance of the Design, Construction and Services as set out in this Schedule 16 [Aboriginal Inclusion and Reporting Requirements].

3.2 Authority of Aboriginal Opportunities Coordinator

The Aboriginal Opportunities Coordinator will have the authority to represent Project Co in communication with Aboriginal Businesses and Aboriginal persons under this Schedule 16 [Aboriginal Inclusion and Reporting Requirements].

3.3 Objective of Aboriginal Opportunities Coordinator

The primary objective of the position of the AOC is to identify business opportunities for Aboriginal Businesses and employment and training opportunities for Aboriginal persons, to participate directly or indirectly in the performance of the Design, Construction and Services including:

- (a) identifying a match between skill sets and experience in local Aboriginal groups, including but not limited to [REDACTED] and the skill sets Project Co requires for the performance of the Design, Construction and Services; and
- (b) identifying training opportunities to provide the skills required for Aboriginal persons to participate in the performance of the Design, Construction and Services.

For the purposes of achieving these objectives, including the commitments set out in Section 2.1 of this Schedule 16 [Aboriginal Inclusion and Reporting Requirements], the AOC will, as may be requested by BC Hydro, participate in committees that include First Nation representatives established to monitor opportunities for Aboriginal Businesses and Aboriginal persons in the performance of the Design, Construction and Services. The Aboriginal Opportunities Coordinator will also, at the request of BC Hydro, participate in meetings and workshops with First Nations and Aboriginal Businesses, to exchange information related to opportunities for Aboriginal persons and Aboriginal Businesses in the performance of the Design, Construction and Services.

3.4 Qualifications for Aboriginal Opportunities Coordinator

The AOC will be a person who:

- (a) has sufficient knowledge, experience and expertise to understand Project Co's work plan for the performance of the Design, Construction and Services, including:
 - (i) the methods Project Co will use to perform the Design, Construction and Services;
 - (ii) the number and nature of Subcontractors Project Co intends to engage for the performance of the Design, Construction and Services;
 - (iii) the amount of labour Project Co will require from time to time in the performance of the Design, Construction and Services, broken down into different activities that will be required for the performance of the Design, Construction and Services; and
 - (iv) the skills and experience Project Co will reasonably require the labour to have to perform the various work activities;
- (b) has the knowledge, experience and expertise as required to assess the capacity of Aboriginal Businesses and Aboriginal persons associated with local Aboriginal groups, including but not limited to [REDACTED] that might be employed in the performance of the Design, Construction and Services; and
- (c) has the interpersonal skills as required to meet with representatives of Project Co, BC Hydro and with Aboriginal Businesses and Aboriginal persons as described in this Schedule 16 [Aboriginal Inclusion and Reporting Requirements] for the purpose of identifying opportunities for the contracting of Aboriginal Businesses and the employment and training of Aboriginal persons in the performance of the Design, Construction and Services.

3.5 Project Co Briefings of Aboriginal Opportunities Coordinator

No less than once every two weeks Project Co's senior Site management and BC Hydro's senior Site management will meet with the AOC to discuss ways for Project Co to achieve the commitments as set out in Section 2.1 of this Schedule 16 [Aboriginal Inclusion and Reporting Requirements], which collaboration will at a minimum include:

- (a) a review of the existing skills and experience of identified Aboriginal Businesses who have expressed interest in contracting and Aboriginal persons who have expressed an interest in being employed in the performance of the Design, Construction and Services or who potentially might be interested;
- (b) a review of Project Co's Design, Construction and Services plan for the next 12 months to identify potential and practical contracting of Aboriginal Businesses and the employment and training of Aboriginal persons;
- (c) a review and update of the Aboriginal Inclusion Plan as described in Section 2.2 of this Schedule 16 [Aboriginal Inclusion and Reporting Requirements]; and
- (d) a review of the Aboriginal Inclusion Performance Report.

3.6 Aboriginal Opportunities Coordinator Duties

The AOC will prepare and sign the Aboriginal Inclusion Plan and all updates to the Aboriginal Inclusion Plan, all as required under Section 2.2 of this Schedule 16 [Aboriginal Inclusion and Reporting Requirements].

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APPENDIX 16A

ABORIGINAL INCLUSION PERFORMANCE REPORT

(see attached)

OTHER:

Date	Activity	Description	Aboriginal Group Affiliation	Name of Aboriginal Business