

## APPENDIX L – ABORIGINAL INCLUSION AND REPORTING REQUIREMENTS

### 1 INTERPRETATION

#### 1.1 Definitions

In this Appendix L – Aboriginal Inclusion and Reporting Requirements, in addition to the definitions set out in GC.1.1 of Appendix A – General Conditions (Construction) and in Appendix B – Supplementary General Conditions, if any:

“**Aboriginal Inclusion Performance Report**” has the meaning set out in Section 2.3 of this Appendix L – Aboriginal Inclusion and Reporting Requirements;

“**Aboriginal Inclusion Plan**” has the meaning set out in Section 2.2 of this Appendix L – Aboriginal Inclusion and Reporting Requirements; and

“**Aboriginal Opportunities Coordinator**” or “**AOC**” has the meaning set out in Section 3.1 of this Appendix L – Aboriginal Inclusion and Reporting Requirements.

### 2 COMMITMENTS

#### 2.1 Commitments

The Contractor 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 the Contractor to satisfy some of these commitments. Accordingly, the Contractor will use reasonable commercial efforts to achieve the following in the performance of the Work:

- (a) provision of business opportunities for Aboriginal Businesses;
- (b) provision of employment opportunities for Aboriginal persons; and
- (c) provision of training opportunities for Aboriginal persons.

#### 2.2 Aboriginal Inclusion Plan

The Contractor 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 Appendix L – 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 Work. The Aboriginal Inclusion Plan will, at a minimum:

- (a) identify specific scopes of the Work which the Contractor 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 Work; 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 Work.

Prior to commencing any Work at the Site the Contractor will submit the Aboriginal Inclusion Plan to BC Hydro under GC.4.21 of Appendix A – General Conditions (Construction).

The Contractor will cause the AOC to update and sign the Aboriginal Inclusion Plan monthly, after submission to BC Hydro.

### 2.3 Reporting

The Contractor will prior to the 15<sup>th</sup> 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 Work that were awarded in the previous calendar month, and cumulative with respect to all Work performed to the end of the previous calendar month and, for each such contract:
  - (i) the type of contract (e.g., “Project 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 Work 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 Work in the previous calendar month, and cumulative with respect to all Work 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 Work 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 Appendix L – 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.

The Contractor will submit the Aboriginal Inclusion Performance Report as part of its payment applications as described in GC.5.3(a)(iii) of Appendix A – General Conditions (Construction).

## **3 ABORIGINAL OPPORTUNITIES COORDINATOR**

### 3.1 Aboriginal Opportunities Coordinator

The Contractor 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 Work as set out in this Appendix L – Aboriginal Inclusion and Reporting Requirements.

### 3.2 Authority of Aboriginal Opportunity Coordinator

The Aboriginal Opportunities Coordinator will have the authority to represent the Contractor in communication with Aboriginal Businesses and Aboriginal persons under this Appendix L – 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 Work including identifying a match between skill sets and experience in local Aboriginal groups and the skill sets the Contractor requires for the performance of the Work.

Local Aboriginal groups include:

- (a) Blueberry River First Nations;
- (b) Doig River First Nation;
- (c) Fort Nelson First Nation;
- (d) Halfway River First Nation;
- (e) McLeod Lake Indian Band;
- (f) Prophet River First Nation;
- (g) Saulneau First Nations; and
- (h) West Moberly First Nations.

For the purposes of achieving these objectives, including the commitments set out in Section 2.1 of this Appendix L – Aboriginal Inclusion and Reporting Requirements, the AOC will, as may be requested by BC Hydro, participate in committees that include Aboriginal group representatives established to monitor opportunities for Aboriginal Businesses and Aboriginal persons in the performance of the Work. The Aboriginal Opportunities Coordinator will also, at the request of BC Hydro, participate in meetings and workshops with Aboriginal group and Aboriginal Businesses, to exchange information related to opportunities for Aboriginal persons and Aboriginal Businesses in the performance of the Work.

### 3.4 Qualifications for Aboriginal Opportunities Coordinator

The AOC will be a person who:

- (a) has sufficient knowledge, experience and expertise to understand the Contractor's work plan for the performance of the Work, including;
  - (i) the methods the Contractor will use to perform the Work;
  - (ii) the number and nature of Subcontractors the Contractor intends to engage for the performance of the Work;
  - (iii) the amount of labour the Contractor will require from time to time in the performance of the Work, broken down into different activities that will be required for the performance of the Work; and
  - (iv) the skills and experience the Contractor 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 Blueberry River First Nations, Doig River First Nation, Halfway River First Nation, McLeod Lake Indian Band, Prophet River First Nation, Sauteau First Nations and West Moberly First Nations that might be employed in the performance of the Work; and

- (c) has the interpersonal skills as required to meet with representatives of the Contractor, BC Hydro and with Aboriginal Businesses and Aboriginal persons as described in this Appendix L – 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 Work.

### 3.5 Contractor Briefings of Aboriginal Opportunities Coordinator

No less than once every two weeks the Contractor's senior Site management and BC Hydro's senior Site management will meet with the AOC to discuss ways for the Contractor to achieve the commitments as set out in Section 2.1 of this Appendix L – 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 Work or who potentially might be interested;
- (b) a review of the Contractor's Work 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 Appendix L – 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 Appendix L – Aboriginal Inclusion and Reporting Requirements.