

## APPENDIX 2B

### CONSULTATION PROCESS

#### 1. OVERVIEW

- (a) Project Co acknowledges that consultation with representatives of the Authority's Facility Users and its stakeholders and interested community (collectively, the "**Consultation Group**") is an essential step in the preparation and completion of the Design of the Facility and accordingly Project Co will conduct consultations with the Consultation Group as described in this Appendix 2B. The Authority will make reasonable efforts, as requested by Project Co, to assist and support Project Co with the consultation process, but nothing in this Appendix 2B or Appendix 2C [Design Review] will be interpreted to give the Authority responsibility for the Design, the Design schedule or the consultation process.
- (b) The parties will undertake consultations with the Consultation Group in accordance with the following:
  - (1) consultations will be conducted at an early stage of the Design, and at appropriate stages of Design development, to facilitate meaningful input from the Consultation Group;
  - (2) the Consultation Group will be Facility Users and other persons designated by the Authority;
  - (3) the Authority will appoint a core group (the "**Core Group**") to co-ordinate input from the Consultation Group;
  - (4) consultation meetings will be interactive meetings at which Project Co will test possible design ideas and options with the Consultation Group, and the Core Group will assist with providing feedback to Project Co; and
  - (5) Project Co will endeavour to develop the Design to incorporate all requests and design preferences of the Consultation Group as expressed by the feedback of the Core Group (subject to the terms of this Appendix), and Project Co will explain any requests or preferences that have not been incorporated.
- (c) Unless agreed by the Authority, all aspects of the Design will be subject to review by the Consultation Group.

#### 2. CONSULTATION PROCESS

- (a) Project Co will, for each aspect of the Design:
  - (1) At least five Business Days prior to a proposed meeting or presentation:

- (A) Prepare and deliver to the Authority's Design and Construction Representative an agenda, complete with the meeting topic, items to be presented and discussed and a list of attendees; and
  - (B) prepare and deliver to the Authority's Design and Construction Representative drawings, specifications and other documentation and materials together with a written design brief (collectively a "**Consultation Group Submittal**") describing the design component (and highlighting design options) in appropriate detail as necessary for meaningful consultations with the Consultation Group;
- (2) make a presentation to the Consultation Group describing the relevant material, including a page-by-page review;
  - (3) consult with the Consultation Group and obtain comments at an early stage of the Design, and at appropriate stages of development of the Design; and
  - (4) after receiving feedback expressed by the Core Group, revise the next Consultation Group Submittal(s) to incorporate comments and requests made by the Core Group (subject to the terms of this Appendix) and consult again with the Core Group on the revised Submittal(s) if requested by the Authority acting reasonably (having regard for the nature and extent of Consultation Group comments on the initial Submittals and the nature and extent of changes made by Project Co to the Submittals).
- (b) The parties will co-operate to determine the specific nature and level of detail of drawings, specifications and other documentation and materials that will be provided prior to and as part of any particular Consultation Group consultation. All Consultation Group Submittals will comply with the requirements of Section 3 of Appendix 2C [Design Review]. Project Co will deliver copies of all materials to be presented at a consultation meeting at least 2 Business Days before the date of that meeting. Electronic copies of drawings will be in PDF format.
  - (c) An agreed preliminary schedule for consultations with the Consultation Group, and for Submittals to the Consultation Group in advance of such consultations, is included in the Submittal Schedule.
  - (d) The parties acknowledge that Design development is an iterative and interactive process and that additional Consultation Group meetings may be required from those shown on the preliminary schedule included in the Submittal Schedule. The parties will co-operate to amend the Submittal Schedule as may be required from time to time to ensure that sufficient consultations with the Consultation Group in relation to each component of the Design (and changes to the Design resulting from such consultations) are completed prior to Project Co making a Submittal under Section 4(b) of Appendix 2C [Design Review]. For clarity, amendments to the Submittal Schedule will be subject to the requirements of Appendix 2C [Design Review].

- (e) Consultation Group consultation meetings will be held in Vancouver, at space made available by Project Co, unless otherwise agreed by the Authority.
- (f) Project Co will keep minutes and records of all Consultation Group consultation meetings, and within 3 Business Days of each meeting Project Co will deliver to the Authority a copy of the minutes and records related to that meeting. If the Authority notifies Project Co of any errors in the minutes, Project Co will correct such errors within 3 Business Days of the Authority's notice.
- (g) The Authority will specify from time to time the particular persons to be included in the Consultation Group for particular consultation meetings.
- (h) The parties will have further consultations with the Consultation Group with respect to the Design if any amendments to the Design are proposed or required by reason of a Change in Law, a requirement of the City (or other Governmental Authority) or result from the design process set out in Section 5.3 of Schedule 2 [Design and Construction Protocols] or during the Construction and which, in any of the foregoing cases, will have a material effect on the Consultation Group.
- (i) The Authority will not be bound by any input or comments provided to Project Co in connection with the consultations with the Consultation Group.

### **3. CHANGES**

- (a) If Project Co considers that compliance with any comment raised by a Consultation Group (including Core Group) member would lead to a Change, Project Co will, before taking into account such comment, notify the Authority. If it is agreed by the Authority that such comment would lead to a Change then the procedure as detailed in Schedule 6 [Changes, Minor Works and Innovation Proposals] will apply. If the parties are unable to reach agreement, then either party may refer the matter directly to the Referee in accordance with Schedule 13 [Dispute Resolution Procedure].
- (b) In all cases, the parties will cooperate to identify potential alternative solutions to any comment raised that would not lead to a Change.

### **4. THE AUTHORITY'S SUPPORT AND ASSISTANCE**

- (a) The Authority will make reasonable efforts, as requested by Project Co, to assist and support Project Co with the consultation process including making arrangements for the persons specified by the Authority under Section 2(g) of this Appendix to be available to participate in scheduled Consultation Group meetings, but nothing in this Section 4 will be interpreted to give the Authority responsibility for the Design, the design schedule or the consultation process.