

Nalcor Energy – Lower Churchill Project



PROCEDURE FOR POST AWARD CONTRACT ADMINISTRATION

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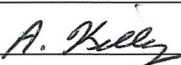
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1 PURPOSE

The purpose of this procedure is to establish the requirements and responsibilities for the post-award contract management of Contracts.

2 SCOPE

This procedure is applicable to the post award contract management and describes the principles for post-award contract administration activities, from the point of contract award to final closeout.

3 DEFINITIONS

Definitions as listed in the Project Dictionary, Acronyms & Abbreviations' List (Doc. No. LCP-PT-MD-0000-PM-LS-0001-01) are applicable to this procedure.

Contract means the Articles and Exhibits, executed between the Company and the Contractor that may from time to time be supplemented, amended, revised or otherwise modified in accordance with the applicable provisions of the Articles and the Exhibits. Contract is used synonymously with Agreement.

Pre-Award Contract Management encapsulates all activities in the contracting process from initial request, to the final executed copy of the contract.

Post-Award Contract Management includes all activities to ensure compliance with contract terms and conditions, practicing effective communication and control, managing contract-related milestones, managing contract changes, adhering to production, quality assurance, packaging and delivery requirements, resolving claims and disputes and eventually proper invoicing resulting in timely payment and formal closeout of the Contract.

Contract Administrator (CA) means the person assigned to administer the Pre-Award Contract and/or Post Award Management Activities for a specific Contract.

Contract Administration references the Post Award Contract Management of Contracts and is the process whereby the Contract Administrator makes sure the parties employ due diligence to comply with the terms, conditions, rights and obligations of the contract. It includes the coordination of any changes to the agreement that might occur over the course of the contract and the closeout process when both parties have met their obligations.

Home Office CA for the purposes of this Procedure, means the Home Office Contracts Administrator responsible for the Pre-Award Contract Management including all activities from the Request for Proposal up to and including the signing of the Agreement and the chairing of the Kick-off Meeting.

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Company Representative means the person designated in the Contract that shall have the authority to act on behalf of Company regarding matters under the Contract, receive Notices, and perform such other duties and acts reserved to the Company Representative under the Contract.

Company has the definition as stated in the Contract Articles.

Engineer has the definition as stated in the Contract Articles.

4 RESPONSIBILITIES

Site Manager is responsible for:

- Managing all activities related to construction required for the overall project realization.
- Reporting to the Project Manager.

Area Construction Manager is responsible for:

- Managing all construction related activities for a specific Area.
- Managing the Contract with the support of the CA for commercial matters
- Ensuring proper cost forecasting of the Contract
- Assisting in preparing negotiating strategies for site management approval

Site Contracts Manager (MF) is responsible for:

- **Outside Muskrat Falls, this role could be filled by others along with Supply Chain Manager.**
- Ensuring implementation of this procedure and supports updates as required.
- Understanding the Project organizational structure and the roles and responsibilities including signing authorities assigned to the individuals instrumental in overseeing the Contract Work.
- Providing oversight and leadership in the performance of all activities related to procurement, materials management and the administration of contracts and purchase orders at the Muskrat Falls site.
- Developing, maintaining and overseeing implementation of the procedures, plans, processes and systems necessary to ensure that the site contracts administration, procurement and materials management functions are performed as necessary to satisfy Company objectives.
- Working with CA's to ensure Work is carried out according to approved contracts, specifications, drawings and schedules, within authorized budgets and in compliance with quality, safety and environmental standards.
- Ensuring that exposure for potential claims arising from contractors is minimized.
- Ensuring that extra work is justified, controlled and administered fairly.
- Ensuring that IBA obligations are satisfied.

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- Attending Site Management meetings and presenting the status and areas of concern for individual Contracts.

Contracts Administrator is responsible for:

- Administering the Contract.
- Ensuring the procedures established for the LCP are followed.
- Understanding the LCP organizational structure, roles and responsibilities, and signing authorities assigned to the individuals overseeing the work.
- Using the Aconex system.
- Providing interpretation and advice to other departments with respect to the Contract.
- Liaising with the Home Office CA, as required.
- Liaising and provides support to other LCP departments as required with respect to Contractor supplied documents.
- Seeking advice from others within the project team to validate or verify the Contractor's documents.
- Resolving any administrative and commercial issues related to the Contract.
- Keeping the Site Contracts Manager (MF), Supply Chain Manager, Area Construction Manager and the Project Controls Department fully apprised of any commercial or contractual issues relative to the Contract which could have an impact on cost and/or schedule.
- Participating in the transition of the Contract from the Home Office CA.
- Arranging the initial Coordination Meeting with the Contractor
- Establishing and/or maintaining the registers for the Contract.
- Assisting the Area Construction Manager with progress meetings with the Contractor, providing the commercial input, and preparing and distributing the Minutes of Meeting (MoM) following established Information Management process.
- Assisting the Area Construction Manager with regards to responses to correspondence from Contractors.
- Drafting all correspondence to the Contractor regarding items which have a commercial or contractual impact including official Notices to the Contractor for signature by the Company Representative or his nominated deputy.
- Ensuring the Contractor provides all deliverables required under the Contract including progress reports.
- Receiving/ validating answers to Site Queries and coordinating issuance of responses to Contractor in accordance with the Site Query procedure (Doc. No. LCP-PT-MD-0000-CS-PR-0001-01).
- Reviewing all proposed Site Instructions in accordance with the Site Instruction Procedure (Doc. No. LCP-PT-MD-0000-CS-PR-0002-01) prior to issuance to the Contractor.
- Reviewing all Concession Requests in accordance with the Procedure for Concession Request (Doc. No. LCP-PT-MD-0000-EN-PR-0001-01), including:
 - Evaluating contractual and cost implications associated with Concession Requests;

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- Ensuring any credits or additions to the Contract Price are processed;
- Coordinating issuance of the approved Concession Request with Document Control.
- Receiving approved Engineering Change Notices (ECN) , including:
 - Reviewing the ECN for contractual implications and, where applicable,
 - Initiating the Change Request process in accordance with the Procedure for Change Request (Doc. No. LCP-PT-MD-0000-CA-PR-0001-01).
 - Coordinating the issuance of any ECN's with Document Control.
- Reviewing, validating and processing Change Requests (CR) initiated by the Contractor or Company in accordance with the Change Request procedure (Doc. No. LCP-PT-MD-0000-CA-PR-0001-01).
- Coordinating with Engineering and Project Controls to obtain updated forecast estimates of quantities relative to the Contract.
- Initiating Change Orders (CO) upon receipt of a validated and approved Change Request, in accordance with the Change Order procedure (Doc. No. LCP-PT-MD-0000-CA-PR-0002-01).
- Creating and issuing Field Work Orders for management approval in accordance with the Field Work Order (FWO) Procedure (Doc. No. LCP-PT-MD-0000-SC-PR-0033-01).
- Reviewing and verifying that Contractor's Payment Certificate application is in accordance with Payment Certificate Procedure (Doc. No. LCP-PT-MD-0000-CA-PR-0003-01).
- Identifying and preparing documentation related to Back-Charges to the Contractor in accordance with the Back-Charges Procedure (Doc. No. LCP-PT-MD-0000-SC-PR-012-01).
- Coordinating with Cost Control in the updating of the Contract financial position in LCP cost control system (e.g.PM+) prior to the monthly cost review meeting.
- Taking all necessary actions to help support the Company in its efforts to avoid claims by taking all reasonable steps for the early identification and resolution of issues and be familiar with Contractor Claims Management and Avoidance as detailed in Document No. LCP-PT-MD-0000-CA-PR-0006-01.
- Maintaining the current value of each Contract.
- Consulting with the Area Construction Manager to confirm Substantial Completion and Final Completion and recommending release of any holdbacks upon receipt and review of proper documentation and authorizations in accordance with the Contract.
- Preparing for the handover of the completed work to Company Operations, closing out and archiving the official Contract Documents and transferring the records to Company Head Office.
- Notifying Company Operations of the Warranty period for the Contract and providing Contractor contact information for the warranty period.
- Issuing the Close-Out report including Contractor evaluation and the Lessons Learned.

Cost Control is responsible for:

- Tracking incurred costs associated with progress estimates for reporting purposes;

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- Tracking costs for the approved Change Orders;
- Verifying the values of the Cost Incurred versus Cost Committed;
- Liaising with the CA with regards to Contract costs

Estimating is responsible for:

- Verifying and validating quantities/quotations received from Contactor estimates;
- Verifying and validating quantities/quotations received from Contactor in various change management documents (CCR, ECN, CR, CA, etc.);
- Providing the CA with the conclusions and supporting documents.

Planner/Scheduler is responsible for:

- Validating Contractor's daily, weekly and monthly progress reports.
- Validating the various Contractor's schedules
- Validating the Contractor's "S-curves".
- Preparing the Integrated Planning Schedule (IPS).
- Evaluating impact of proposed change proposals.

Supply Chain Manager is responsible for:

- Taking overall responsibility for the CA role, quality of work and responsibility for compliance with Company policies and procedures, procurement standards and good business practices.

Information Management Team is responsible for:

- Ensuring all technical, contractor/supplier and reference documentation are current and retrievable.
- Printing all drawings, specifications, enquires, etc.; produced by the Home Office and Site if required in hard copies.
- Ensuring alignment with processes developed for Home Office.

5 REFERENCES

Document No:	Title
LCP-PT-MD-0000-CA-PR-0001-01	Procedure for Change Request
LCP-PT-MD-0000-CA-PR-0002-01	Procedure for Change Order
LCP-PT-MD-0000-CA-PR-0003-01	Payment Certificate Procedure
LCP-PT-MD-0000-CA-PR-0005-01	Quantity Commitment Change Procedure
LCP-PT-MD-0000-CS-PR-0001-01	Procedure for Site Query
LCP-PT-MD-0000-EN-PR-0001-01	Procedure for Concession Request
LCP-PT-MD-0000-EN-PR-0002-01	Procedure for Engineering Change Notice (ECN)
LCP-PT-MD-0000-FI-PR-0001-01	Capital Expenditure Authorization Procedure
LCP-PT-MD-0000-SC-PR-0033-01	Procedure for Field Work Order

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LCP-PT-MD-0000-AD-FR-0001-01	LCP Standard Letter Template
LCP-PT-MD-0000-CA-FR-0001-01	Payment Certificate Approval Form
LCP-PT-MD-0000-CA-FR-0002-01	Quantity Commitment Change Form (QCC)
LCP-PT-MD-0000-CS-FR-0001-01	Site Instruction (SI)
LCP-PT-MD-0000-EN-FR-0001-01	Site Query (SQ)
LCP-PT-MD-0000-EN-FR-0002-01	Concession Request - Construction
LCP-PT-MD-0000-EN-FR-0003-01	Concession Request - Purchase
LCP-PT-MD-0000-EN-FR-0004-01	Engineering Change Notice (ECN)
LCP-PT-MD-0000-SC-FR-0002-01	Field Work Order (FWO)
LCP-PT-MD-0000-SC-FR-0003-01	Change Request (CR)
LCP-PT-MD-0000-SC-FR-0004-01	Change Order (CO)
LCP-PT-MD-0000-SC-FR-0036-01	Sworn Declaration
LCP-PT-MD-0000-SC-FR-0039-01	Request for Final Completion Certificate
LCP-PT-MD-0000-SC-FR-0040-01	Final Completion Certificate
LCP-PT-MD-0000-SC-FR-0045-01	Single Source Justification
LCP-PT-MD-0000-SC-FR-0069-01	Meeting Agenda
LCP-PT-MD-0000-SC-FR-0070-01	Meeting Attendance Sign-in Sheet
LCP-PT-MD-0000-SC-FR-0071-01	Minutes of Meeting
LCP-PT-MD-0000-SC-FR-0080-01	Kick-Off Meeting Agenda
LCP-PT-MD-0000-SC-FR-0081-01	Change Order Authorization
LCP-PT-MD-0000-SC-FR-0082-01	Substantial Completion Certificate

6 PROCEDURE

Generally, Contracts will be generated by the Home Office Supply Chain Team and transferred to Site Contracts representative once the Contract has been awarded and a Kick-off Meeting held.

In the event that Contracts are generated by CA's, at various sites, for minor or other works, the procedures as established by the Home Office will be followed. In such cases, the CA is responsible to ensure the Project policies and procedures are followed up to the execution of the Contract.

6.1 PRE-AWARD TO POST-AWARD TRANSITION

6.1.1 General

Following award of the Contract, if the Contract is to be assigned to a CA at site, the Home Office CA will arrange a Kick-Off Meeting with the Contractor at the Home Office or at Site. The Home Office CA will invite the CA to the Kick-off meeting. The Home Office CA is responsible to prepare and issue the Kick-off Meeting minutes.

As part of the process to transfer administration of the Contract to Site, the Home Office CA will

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issue a letter to the Contractor advising that the Contracts Administrator has been changed and will provide name and contact details.

6.1.2 Transitioning and Document Transfer

The CA's will be responsible to coordinate the transition of administration including:

- Obtaining hard copies of the official Contract;
- Obtains access to the electronic files applicable to Contract Administration for Construction;
- Obtains Environmental Permit Status provided by the Contractor(s).

The CA establishes the filing system for the hard copy and electronic files and coordinates with the Home Office CA to ensure the following:

- Obtains a hard copy and an electronic copy of the Contractor's Performance Security and saves to the *Contract* subfolder.
- Obtains a hard copy and an electronic copy of the Contractor's Insurance Certificate and saves to the *Contract* subfolder.
- Obtains access to a copy of the Environmental Permits for which the Contractor is responsible and saves to the *Contract* subfolder. A copy of this list and status of the Environmental Permits status is transmitted to the Environmental Superintendent and the Area Superintendents.
- Obtains access to a copy of the Minutes of Kick-off Meeting and saves to the *Contract* subfolder.
- Obtains access to a copy of any existing Change Requests and Change Orders and saves to the *Contract* subfolder.

6.2 INFORMATION MANAGEMENT

6.2.1 General

The CA provides general oversight to the Information Management components of the Contract during construction on behalf of Supply Chain Management.

The Contractor's duties in relation to the Contract are generally defined in Exhibit 3 Coordination Procedures and the CA will confirm the requirements are identified and met. In addition, to confirming the Contractor is complying with his responsibilities, the CA shall also confirm that all other documentation and information generated by or on behalf of the Company in relation to the Contract is properly stored and archived in the established Aconex system.

6.2.2 Records Management

For the purpose of Records Management, Aconex system serves as the electronic project mailroom and archive for the Lower Churchill Project. This system is to be used as the official

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repository for all documents pertaining to the specific contracts for the project that requires formal archiving.

The CA will maintain original hard copies and electronic copies of all post award documentation. The Aconex system will be used for storing and transferring key Contract documents and correspondence to and from the Contractor and Company. The CA will ensure the following documents are uploaded into the Construction Management Instance of Aconex system:

- Contract
- Change Requests (CHR)
- Change Order Authorizations (CHA)
- Change Orders (CHO)
- Engineering Change Notifications (ECN)
- Letters (LTR)
- Site Instructions (SI)
- Site Queries (SQ)
- Payment Certificates
- Field Work Orders (FWO)
- Quantity Commitment Changes (QCC)

6.2.3 Registers

The CA shall establish and/or maintain the following Registers for the Contract, as applicable:

- Securities and Insurance
- Correspondence (LTR) Register
- Claims' Register
- Back-charge (BC) Register
- Field Work Order (FWO) Register
- Engineering Change Notice (ECN) Register
- Change Request (CR) Register
- Change Order Authorization (CHA) Register
- Quantity Commitment Change (QCC) Register
- Change Order (CO) Register
- Amendment Register
- Payment Certificate Register
- Invoice Register

Where applicable, the Registers are generated in Aconex and exported to the T:Drive. At a minimum, the Registers will show the information outlined in the appropriate section of this Procedure.

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6.2.4 Aconex

The CA shall

- Ensure that email communications to and from the Contractor regarding the Contract are through the Aconex Construction mail module (Construction Management Instance).
- Maintain a correspondence register within Aconex.
- Ensure that all formal correspondence is by letter and that it is limited to one subject per letter. The subject line shall include reference to Contract numbering as well as the specific subject.
- Review Aconex distribution matrices established for the Contract with the Package Engineer and establish sub matrixes to determine which project participants within the organization are copied on the post award Contract documents, taking into account confidentiality.
- On a regular basis (at least weekly) update the status of correspondence as per the standard Contract Correspondence register to identify items which are closed or open and if open identify the discipline and person responsible to close the item and the date by which it is to be done.
- Provide the Area Construction Manager with a copy of the correspondence register from Aconex for determination of the course of action required. Input data in the Register.

6.2.5 Original Files

All paper documents which have original signatures are to be saved including any backup documentation for transfer to Information Management Home Office at the completion of the Contract. These include:

- Change Requests
- Change Notice Authorizations
- Change Orders
- Amendments
- Quantity Commitment Changes
- Signed Minutes of Meeting
- Payment Certificates
- Other documents deemed appropriate

Approved Change Requests shall be filed with the appropriate Change Order as part of the supporting documentation for the Change Order. If a Change Request is rejected, all original documentation shall be maintained in a separate file for transfer to Home Office at the completion of the Contract.

6.2.6 Electronic Files

The T: Drive is established as the main working drive for LCP. All post award related documents

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shall be saved to the Folder titled *"Supply Chain"*.

A subfolder *"MF Site"* has been created for the MF Site Procurement Group and a subfolder *"Contracts"* has been established within *"MF Site"* for the use of Contract Administration for all documents generated or received by the CA. The MF Site subfolder can be accessed via the following path:

T:\Supply Chain\MF Site

For Contract Administration, CA's will develop a further subfolder for each Contract within the *"Contracts"* folder. For each Contract, the CA will establish a subfolder under the *"Contracts"* subfolder based on the Contract Number (i.e., CH-0006-001) and all electronic records relative to the Contract are to be saved in this subfolder.

The CA shall maintain a distinct set of contract related administrative records consisting of all non-revision controlled information received or created/generated in support of the work during the construction and warranty phases.

The following list details a typical electronic file structure for post-award Contract documents. The list can be customized as required.

- 1.0 CONTRACT OR PURCHASE ORDER
 - 1.1 LETTER OF AWARD
 - 1.2 SIGNED CONTRACT OR PO
- 2.0 CHANGE MNGT (REGISTERS TO BE MAINTAINED FOR EACH CATEGORY)
 - 2.1 CHANGE REQUESTS-COMPANY
 - 2.2 CHANGE REQUESTS CONTRACTOR
 - 2.3 FIELD WORK ORDERS
 - 2.4 CONCESSION REQUESTS
 - 2.5 QUANTITY COMMITMENT CHANGES
 - 2.6 CHANGE ORDER AUTHORIZATIONS
 - 2.7 CHANGE ORDERS
 - 2.8 AMENDMENTS
- 3.0 CORRESPONDENCE
 - 3.1 CORRESPONDENCE REGISTER (ACONEX AND/OR EXCEL)
- 4.0 MEETING MINUTES
 - 4.1 KICK-OFF MEETING
 - 4.2 SITE COORDINATION MEETING
 - 4.3 PROGRESS MEETINGS
 - 4.4 COMMERCIAL MEETINGS
 - 4.5 SPECIAL MEETINGS
- 5.0 PERFORMANCE SECURITY

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- 6.0 INSURANCES
 - 6.1 CONTRACTOR
 - 6.2 SUBCONTRACTORS
 - 6.3 INSURANCE REGISTER
- 7.0 ENGINEERING
 - 7.1 ENGINEERING CHANGE NOTICES
 - 7.2 SITE QUERIES
 - 7.3 SITE INSTRUCTIONS
 - 7.4 REGISTERS
- 8.0 PERMITS
 - 8.1 CONTRACTOR
 - 8.2 CONTRACT
 - 8.3 PERMIT REGISTER
- 9.0 PAYMENT CERTIFICATES
 - 9.1 CONTRACTOR’S REQUEST FOR PAYMENT CERTIFICATE
 - 9.2 APPROVED REQUEST FOR PAYMENT CERTIFICATE
 - 9.3 SUPPORTING DOCUMENTATION
- 10.0 BACK-CHARGES AND CLAIMS
 - 10.1 BACK-CHARGES
 - 10.1.1 BACK-CHARGE REGISTER
 - 10.1.2 BACK-CHARGE NOTIFICATIONS
 - 10.1.3 CORRESPONDENCE
 - 10.1.4 SUPPORTING DOCUMENTATION
 - 10.2 CLAIMS
 - 10.2.1 CLAIMS REGISTER
 - 10.2.2 CLAIMS RECEIVED
 - 10.2.3 CLAIMS RESPONSE
 - 10.2.4 SUPPORT DOCUMENTATION
 - 10.2.5 DISPUTE RESOLUTION
 - 10.2.6 MINUTES OF MEETINGS
- 11.0 CONTRACTOR DELIVERABLES
 - 11.1 SUPPLIER DOCUMENT REGISTER
- 12.0 REPORTS (CAN BE IN THE PLANNING FOLDER)
 - 12.1 DAILY REPORTS
 - 12.2 WEEKLY REPORTS
 - 12.3 BI-WEEKLY
 - 12.4 MONTHLY REPORTS
- 13.0 CLOSEOUT
 - 13.1 CLOSEOUT REPORT
 - 13.2 FINAL AGREED ACCOUNT STATEMENT
 - 13.3 WAIVER
- 14.0 MISCELLANEOUS

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In consultation with the Site Contracts Manager (MF), Supply Chain Manager, and the IT Manager, the CA will establish a security scheme associated to each folder keeping in mind that how the files are moved and/or copied may have an impact on the file security.

Administrative records shall be managed in the electronic content environment for Aconex as described above. A

Should information be required regarding the pre-award phase of the Contract, the CA is to raise the matter with the Site Contracts Manager (MF), or the Supply Chain Manager.

The CA is to ensure that the post-award files are copied and maintained in either the project drive and/or Aconex.

Folder and file naming are of crucial importance since they provide significant abbreviations which indicate the content of the folder. In addition to creating a file (a file is an electronic version of a document) the CA must establish the window properties pertaining to each individual file so as to provide quick viewing of the file content from *Windows Explorer*. The CA must also ensure that all files copied to the Folders are properly scanned at the proper resolution and size for easy viewing.

The T: Drive is established as a working drive and is not the official repository for the documents to be saved in Aconex.

6.3 CONTRACTOR MOBILIZATION

6.3.1 Contractor Deliverables Prior to Mobilization to Site

Prior to the Contractor mobilization to Site, the CA will confirm the status of the Contractor's submittals regarding the following:

- Securities and Insurances
- Supplier Document Register
- Baseline Schedule
- Contractor's Health and Safety Plan
- Contractor's Risk Management Plan (if applicable)
- Contractor's Contract Specific Environmental Protection Plan (C-SEPP)
- Contractor's Waste Management Plan
- Contractor's Quality Plan
- Contractor's Logistics Transportation Plan (if applicable)
- Etc.

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The Company Representative, Site and Construction Managers will be informed of any submittal not in compliance with Contract requirements.

6.3.2 Company Deliverables

6.3.2.1 Responsibilities of Home Office

Prior to the signing of any Contract, the Home Office shall identify any deliverables which are the Company's responsibility which include:

- Provision of Drawings
- Company Supplied Documents
- Company Insurances
- Site Access
- Handover dates for any piece of work constructed by Other Contractors
- Provision of any Company Site Services (further defined in Section 6.3.3)

The Home Office is to confirm the status of each deliverable and inform the Project Management of any issues or conflicts prior to the Contract signing so that a path forward can be established to deal with the consequences of any potential late deliveries.

6.3.2.2 Responsibilities of CA

Prior to the Contractor's mobilization to the Site, the CA shall confirm the status of any Company Deliverables identified above and advise the Site Manager of any issues or conflicts at least two weeks prior to the Contractor's planned mobilization date.

6.3.3 Provision of Site Services

Prior to Contractor Mobilization, the CA shall review the Contract to identify the services the Contractor or Company is responsible to provide. Items may include:

- Accommodation, Room and Board
- Emergency Services
- Temporary Power
- Potable Water
- Industrial Water
- Sanitary Facilities
- Lunchrooms
- Field Offices
- Laydown Areas
- Security
- Transportation
- Waste Management
- Fuel

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- Telecommunications including telephone, radio and internet
- Others as defined in the Contract

The CA shall inform the Company Site Services Manager of the Company's responsibilities and dates they are to be made available. The CA is to confirm with the Site Services Manager that the Company shall be able to meet its commitments under the Contract or otherwise notify the Site Manager so that appropriate alternatives can be arranged.

As early as possible, the CA shall coordinate with the Contractor to confirm or obtain the following information:

- List of Manpower: Purpose of application for Safety Induction for issue of Site Security
- Contractor's Estimated Accommodation Requirements for at least a 3 month period: Purpose is to ensure accommodations are available
- Mobilization Plan: Purpose of application is to provide a 3 week look-ahead program to allow LCP to coordinate activities and prepare the Site ready for the Contractor's lay-down area.
- Final Details of All Equipment: Purpose of the list is to prepare for equipment inspection.
- Laydown Area: Purpose of application is to provide drawings with coordinates of proposed temporary facilities for the approval of LCP Construction Management Team, prior to commencement of works at site and to establish site services such as power, telephone, internet, water and sewer.

6.3.4 Notice to Proceed or Notice to Mobilize

When all documents required prior to mobilization have been submitted by the Contractor and have been verified by the Site management team, the CA will draft a notification letter to the Contractor to commence with his mobilization activities.

When the Contract requires an official "Notice to Proceed" or "Notice to Mobilize" the CA on instruction from and in consultation with the Company Representative or his designate shall draft the applicable notice for issue through Aconex to the Contractor and as per the "Notice" requirements of the Contract.

6.3.5 Initial Site Coordination Meeting

The CA shall prepare the agenda, date, time and venue and invites the respective attendees to the initial Site Coordination meeting. The purpose of this meeting is to establish a common understanding of Site regulations and the responsibilities of each person involved, including the coordination responsibilities of the designated CA, Area Construction Manager and Site Manager. Safety, Health and Environmental procedures and requirements are emphasized as well as the methods of reporting progress to the Project Controls Team.

A Standard Agenda form is available. The CA shall circulate the standard form to the appropriate

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business departments prior to the Initial Coordination meeting for their input to determine which headings are to be discussed at the meeting.

The CA prepares and issues the Initial Site Coordination Meeting minutes.

6.4 POST AWARD CONTRACT ADMINISTRATION

6.4.1 Correspondence

The designated Company Representative or his nominated Deputy for the Contract has the overall responsibility to manage the preparation of required responses to incoming correspondence.

The CA in consultation with the Company Representative or designate shall draft all correspondence to the contractor regarding items which have a commercial or contractual impact, including Notices to the Contractor and ensure such correspondence gets issued under the appropriate signatory under the Contract.

For all other correspondence the CA will follow the direction of the Company Representative or his designate. The CA will review and comment on all letters drafted by others before signature by the Company representative.

6.4.2 Meetings

The CA assists the Site/Area Construction Manager with the Weekly Progress Meetings or Special Meetings with the Contractor, providing the commercial input, as well as preparing and distributing the Minutes of Meetings.

6.4.3 Reporting

The CA shall advise the Contractor of all deadlines for generating the reports specified in the Contract. At the request of the Company Representative or designate, the CA shall advise the Contractor of any other reports and information required in addition to that specified in the Contract. The CA shall confirm that all reporting requirements identified in the Contract are being met by the Contractor. If the Contractor is not meeting the requirements, the CA shall raise the matter in the progress meetings and if immediate action is required inform the Company Representative or his designate for action which may result in an official Notice being sent to the Contractor

The CA shall advise the Company Representative or his designate of any concerns raised with respect to the quality and completeness of the reports by other LCP Departments. The CA shall, as required, assist the Project Controls Department in the verification of any cost or schedule

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information provided in the contractor's monthly report.

6.4.4 Internal Interfaces

The CA shall at all times keep the Company Representative or designates as well as the Site Contracts Manager (MF), Supply Chain Manager and the Project Controls Department fully apprised of any commercial or contractual issues relative to the Contract which could have an impact on costs and/or schedule.

On a monthly or as required basis the CA shall participate in cost control review meetings and identify and detail any items which can impact costs and/or schedule. The CA shall provide forewarning of potential variations and potential claims.

The CA shall interact as required with the Contractor to resolve any commercial or contractual issues including issues relative to Change Requests and Payments.

The CA shall provide contract interpretation and advice to the Area Construction Manager in all matters relative to the Contract.

The CA shall provide advice as required to other LCP Departments including Construction, Safety, Environment, Document Control, Quality Assurance, Labour Relations, Engineering and Project Controls in any matter relative to the Contract.

The CA shall coordinate with the Project Estimators to obtain reviews of the Contractor's submitted costs for any Change Requests or for the Engineer's Change Notices

The CA shall coordinate with all applicable parties that participate in the review of any of the Contractor's Payment Certificates and ensure that input is obtained in a timely and effective manner to allow approval of the Payment Certificates and subsequent submission by Contractor and payment by Company of Contractor's invoices in accordance with the terms of the Contract.

6.4.5 Change Management

The CA is the custodian of the Change Management Process in relation to a Contract. He shall ensure that the policies and procedures (latest revision) developed for the Lower Churchill Project are fully implemented and followed by LCP personnel and the Contractor. The Procedures are identified in the following Sections and it is the responsibility of the CA to ensure that he is fully versed in the procedures and that all Parties identified within the procedure are in compliance.

In order to initiate changes to any of the Articles of the Agreement of the Contract, an Amendment to the Agreement must be prepared.

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6.4.6 Back-charges

The CA identifies and prepares documentation relative to Back-Charges to the Contractor in accordance with the Back-charge Procedure LCP-PT-MD-0000-SC-PR-012-01 and resolves all back-charges with the Contractor.

Where potential back-charge work is being undertaken by another Contractor under a separate contract package, the CA will coordinate as applicable with the responsible CA for that package with respect to the issuance of the Change Request/Change Order and ensure that he has all documentation to support the Back-charge.

6.4.7 Provincial Benefits

The CA shall review the commitments made by the Contractor to Lower Churchill Construction Project Benefits Strategy and Impacts and Benefits Agreement (IBA) with Innu Nation and ensure the Contractor is executing these commitments.

The CA shall interface with the Company Representative or designate and LCP Labour Relations Officer and Contractor (if applicable) to ensure the Contractor is complying with the hiring protocol as outlined in the Benefits Strategy for work performed on the generation and transmission area.

The CA shall interface with the Company Representative or designate and LCP Labour Relations Officer and Contractor (if applicable) to ascertain of the Contractor is supporting the LCP's Gender Equity and Diversity initiatives.

The CA shall ensure the Contractor is submitting data reports on a monthly basis regarding employment and expenditures based on the reporting tables provided by the Company. Should issues arise with respect to the reporting, the CA shall liaise with the Company's Benefit's Group and the Contractor to resolve any issues.

6.4.8 Payment Certificates

The CA will ensure the process as detailed in the Payment Certificate Procedure LCP-PT-MD-0000-CA-PR-003-01 is followed.

The CA in consultation with the Company Representative or his designate will identify the LCP team members required to contribute to the Payment Certificate verification and approval process. Dependent on the nature of the Contract and the scope of work, different functional disciplines will be engaged.

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The CA shall consolidate any requests for clarifications and inform the Contractor of any adjustments or rejections in accordance with the Procedure. He shall ensure timely input from all team members.

Upon approval, the CA returns the approved Payment Certificate to the Contractor for signature and submission of Invoice in accordance with the terms of the Contract.

6.5 CLAIMS

Construction claims can be caused by a number of factors. Understanding what causes construction claims is the first step in avoiding them. In general, construction claims occur because of the following:

- Late issuance of Notice to Proceed
- Delayed access to the Site
- Late approval of Contractor submittals or shop drawings
- Delays in construction caused by Company
- Delays in the delivery Company supplied materials
- Company requested changes
- Site conditions which differ from those expected
- Incomplete engineering
- Termination of the Contract by the Company or the Contractor
- Acceleration of the work
- Failure to adequately schedule and coordinate the work
- Etc.

Upon receipt of a claim, the CA shall:

- Inform the Area Construction Manager, Site Contracts Manager (MF), Supply Chain Manager and Project Control Manager.
- Follow the procedure for Processing Claims (Doc. No. LCP-PT-MD-0000-CA-PR-0006-01).
- Reviews the claim and provides a recommendation on acceptance or rejection where possible.
- Obtains from the appropriate LCP resources (Estimating, Planning, Cost Control, Construction Supervision, etc) the information necessary for a decision
- Briefs the Claims Committee on all claims related issues.
- Participates in discussions with respect to the methodology to address the claim including identifying potential additional resources and if required participate in the review, management and negotiation of the claim.
- When a claim request is rejected, sends the rejection notification to the Contractor

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- When a claim is resolved through negotiation, prepares documentation in accordance with the established procedure.

To avoid a claim becoming a major distraction to the execution of the work and impacting the working relationships, the resolution of a claim may be managed by a dedicated team of resources selected by the management team. This will be decided by the Claims Committee.

6.5.1 Claim Documentation

Whether or not the goal is to avoid a claim or successfully resolve it in the Company’s favor at a later date, thorough documentation of project events as they occur will assist in evaluating the actual history. The documentation can be used to help ascertain the actual conditions being experienced at the Site, the activities which were occurring and when. Any delays being experienced for whatever reason should be documented thoroughly. Site diaries by field personnel can be very helpful.

Basic types of documentation include:

Contract Documents	Daily, Weekly, Monthly Reports
Baseline Schedules	Control Schedule
Look Ahead Schedules	Execution Plans
Planning Reports	Site Instructions
Meeting Minutes	Requests for Information
Material Receiving Reports	Responses to Request for Information
Material Delivery Reports	Requests for Payments
Payment Records	Photographs
Change Requests	Change Orders
Equipment Utilization Schedules	Production Records
Test Reports	Deficiency Notices
Non-Conformance Reports	Email Correspondence
Daily Logs	Supplier Documents Registers
IFC Drawings	Engineering Change Notices
Daily Diaries	Site Conditions
Weather Records	Stop Work Orders
Contractor Down Time Reports	Correspondence

If an event occurs which is likely to result in a claim, the CA shall in consultation with the Area Construction Manager develop a strategy to gather as much evidence as possible and provide relevant documentation. When investigating a claim, the CA shall gather whatever information is appropriate to investigate the events surrounding the claim and to establish the facts. Records showing actual equipment and manpower and materials at the Site will be necessary to establish a legitimate cost if a claim is deemed to have merit.

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6.5.2 Claim Avoidance

The CA shall take all reasonable steps to avoid claims by early identification and resolution of issues. Taking action promptly with an objective view mitigates the risk of an issue becoming a major distraction. Lines of communication with the Contractor must be kept open.

Each issue, or item of claim, shall be dealt with in an expeditious manner to avoid becoming a distraction to the execution of the work. This is very important for several reasons:

- Adverse impact on Contractor's performance and cash flow
- Claim costs typically increase over time to address other non-claimable events
- Easier to resolve single issue versus compounding impact of multiple events over time
- Availability of information and resources deteriorates over time (problem for both parties)
- Successful claims management relies on the resolution of the issue on its individual merits.

6.5.3 Timely Responses

If a Contractor is entitled to additional compensation for a change or a differing site condition or for extra work added to the Contract, the CA shall promptly acknowledge it, prepare and process a Change Request for approval, issue the Change Order and promptly pay the Contractor.

If a Contractor submits a Change Request, the CA shall promptly evaluate it and respond to the Contractor.

The CA shall promptly deal with a Contractor's request for payment or promptly reject it or adjust the payment when payment it is believed payment is not due for all or a portion of the Work.

If the Contractor is entitled to an extension of time, the CA shall promptly provide the justification and seek the necessary approvals and issue the Change Order.

In consultation with the Site Planner, the CA shall ensure prompt review and comment on the Contractor's schedule submissions.

In consultation with the Planner, the CA shall draft for issue to the Contractor, periodic reminders when he does not meet the schedule; advise him of any activities which he was supposed to start during the week but did not; advise him which activities he was supposed to complete during the week but did not.

In consultation with the Planner, the CA shall request a schedule narrative from the Contractor which explains any deviations or schedule changes the Contractor plans to make during each reporting period. Although this could become a place for the Contractor to point out delays and interferences beyond the Contractor's control, the CA shall ensure these are also dealt with

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promptly. To the extent they appear accurate the CA/Area Construction Manager should demand that the Contractor submit his claim and justification in a timely manner. If the statements are inaccurate, promptly point these out and document them in a letter.

6.6 CONTRACTOR'S PERFORMANCE SECURITY AND INSURANCE

6.6.1 Performance Security

The CA is responsible for ensuring the validity status of the Contractor's Performance Security (i.e., Performance Bond, Labour and Material Bond, or Letter of Credit) throughout the Construction and Warranty period in accordance with the terms of the Contract. The CA shall:

- Ensure that the Performance Security has been received and that it is in effect as of the Effective Date and that it includes a guarantee for correction of faulty workmanship and construction deficiencies for the period from the date of Final Completion as defined in the Contract.
- Maintain copies of the Performance Security and any amendments to it in the Contract files.
- Provide original documents to the Company for safe keeping.
- Monitor regularly and verify that all documents are valid. At least one month prior to the expiry of any Performance Security the CA will prepare a letter to the Contractor advising him of the situation and requesting updated documentation for issuance under cover of the appropriate signatory of the Contract.
- Request Treasury to check the status of the issuing agency periodically to ensure that the Surety has maintained a credit rating of A- by Standard & Poors or equivalent rating by another rating agency approved by the Company.
- Requests evidence from the Contractor from time to time (at least yearly) that the Performance Security is in good standing and that the Surety continues to be satisfactory to the Company.
- In the event a Surety ceases to be satisfactory to the Company, requests a replacement Bond or LOC which meets all the terms and conditions set forth in the Contract.
- Requests and/or negotiates an amendment to the Bond or LOC value where the Contract Price has been significantly increased or decreased as a result of amendments to the Contract Price identified in the Contract.

6.6.2 Insurance

The CA is responsible for ensuring the validity status of the Contractor's Insurances throughout the Construction period in accordance with the terms of the Contract. Specific duties include:

- Prior to the beginning of any Work at the Site, the CA shall ensure the Contractor has

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procured all insurance policies in accordance with the Contract and maintain copies of the insurances in the Contract files.

- Provide original documents to the Company for safe keeping.
- Maintain a register for Insurances showing the following: Policy Description, Policy Number, Date of Issue, Additional Insured's, Expiry Date, and Limits of Liability.
- At least one month before the expiry date of any policy, request the Contractor to provide a replacement policy or an amendment to the policy.
- Inform the Area Construction Manager and Site Contracts Manager of any notifications of claim against the policies as informed by the Contractor.
- Prepare any Notices to be issued to the Contractor for any claims initiated by the Company against the Policies and follow-up as required until resolution of the claims has occurred.

6.6.3 Worker's Compensation

The CA is responsible for ensuring that:

- Prior to the starting of any work at the Site, ensure that the Contractor has provided written confirmation to the Company from the WHSCC of compliance with or exemption from worker's compensation requirements and confirmation that all required assessments that are due and payable have been made.
- Prior to a Subcontractor starting any work at the Site, the CA must ensure that the Contractor has provided on behalf of each Subcontractor written confirmation to the Company from the WHSCC of compliance with or exemption from worker's compensation requirements and confirmation that all required assessments that are due and payable have been made.
- Upon completion of Subcontract Work, the Contractor has delivered to the Company on behalf of each Subcontractor a clearance certificate from the WHSCC.
- Upon completion of the Work, the Contractor has delivered to the Company a clearance certificate from the WHSCC and on behalf of all Subcontractors which have not previously provided evidence of compliance, a clearance certificate from the WHSCC.
- If Contractor fails to make any assessment or contribution required to be paid, the CA shall arrange with Project Accounting to withhold from any invoice payment and remit on behalf of the Contractor an amount equal to any assessment.

6.6.4 Permits

The CA shall ensure a Permit Register is obtained from the Contractor identifying the permits, authorizations and certificates required for the Contractor's facilities and Works.

For those Permits identified as the responsibility of the Contractor, the CA shall coordinate the receipt of the Permit Applications for internal review and submission on behalf of the Contractor

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and track and verify that the Contractor has received copies of the actual Permits.

The CA shall ensure copies of all Permits are maintained in the Contract Files. In addition, the CA shall:

- Obtain Take-over Environmental Permit Status from Home Office.
- Maintain List and status of all permits required to start and finish contract scope and updates.
- Provide copy of all approved environmental permits and status list including updates to Environmental Superintendent and Area Superintendents.

6.7 CONTRACT CLOSEOUT

6.7.1 Substantial Completion

Upon receiving a request from the Contractor for a Substantial Completion Certificate for the Work, the CA is responsible to confirm that the Contractor has met the conditions for Substantial Completion as identified in the Contract. The CA shall obtain confirmation that:

- The Contractor has delivered all documents as per the Supplier Document Requirements and have a Technical Documentation Verification form signed by appropriate LCP representatives.
- Punch List detailing defects has been given to Contractor
- Contractor has delivered a certificate detailing all outstanding claims with supporting documentation or otherwise has certified that there are no outstanding claims.
- Contractor has submitted latest available certificate from WHSCC certifying that no assessments or other amounts are owing.
- Contractor has removed all Temporary Facilities
- Contractor has submitted to Engineer all warranties, representations, guarantees from manufacturers, suppliers and subcontractors.
- Contractor has submitted a declaration confirming that all conditions for Substantial Completion have been met and that all required tests have been completed

If all conditions are met for Substantial Completion in accordance with the terms of the Contract, the CA will draft a Substantial Completion Certificate for issuance based on the date provided by the Company.

6.7.2 Release of Holdback

Prior to the release of holdback, the CA will confirm that the Contractor has met the requirements for the release of Holdback as identified in the Contract. The CA shall confirm:

- The appropriate time period established in the Mechanic Lien Act has lapsed
- Contractor has provided a certificate from a senior officer that all accounts for subcontracts and all other indebtedness has been paid in full

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- Contractor has provided a certificate that Subcontractors have paid or discharged their obligations in connection with the performance of the Work.
- No default exists
- Clearance certificates from WHSCC for Contractor and Subcontractor have been received and their accounts are current.

Release shall be within 45 days of Substantial Completion and shall be 75% of the withheld amount. Release of the remaining 25% shall occur within 15 days of the issuance of the Final Completion Certificate as defined in the Contract.

6.7.3 Final Completion

The CA shall confirm that the Contractor has achieved Final Completion in accordance with the terms of the Contract, and shall:

- Confirm Substantial Completion Certificate has been issued
- Confirm with Area Construction Manager that all obligations under the Contract have been fulfilled.
- Warranties from Subcontractors have been delivered
- Confirm with package engineer that electronic copies and reproducible hard copies of the record drawings for the Work have been delivered by the Contractor
- Confirm with the Area Construction Manager that all Punch List items have been completed.

If all conditions are met for Final Completion in accordance with the terms of the Contract, the CA will draft a Final Completion Certificate for issuance based on the date provided by the Company.

6.7.4 Warranty

The CA shall review the Warranty provisions of the Contract and ensure that prior to issuing the Final Completion Certificate all product and warranty certificates have been received. He shall prepare a register of all warranties detailing the Contract No., Contractor, Contact Name, Contact address including telephone and email, description of product warranty, issuer of warranty, period of warranty, date of Final Completion of Contract and warranty expiry date.

The CA shall advise the responsible Company Operations Group that the Work has been accepted and turned over to the Company and provide a copy of all warranty certificates and the warranty register.

6.7.5 Defects Notification

The CA will notify the Company Operations Group of the defects notification requirements under the Contract as part of the Contract Close-out. The Company Operations Group will notify the Contractor of any defects in the work during the warranty period. Unless otherwise instructed by

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the Company, the CA will not have any responsibility in this regard.

6.7.6 Contract Closeout Report

After issuance of the Final Acceptance Certificate, the CA will compile a Closeout report in accordance with the Closeout procedure LCP-PT-MD-0000-SC-PR-0013-01 and in consultation with Area Construction Manager prepare the Contractor Evaluation Form.

7 RECORDS

Upon the completion of a Contract, the CA will finalize all records with respect to the Contract and coordinate with Home Office regarding the archiving of the electronic files and hard copy documentation.

8 ATTACHMENTS

None.