

APPENDIX 2F

USER CONSULTATION PROCEDURE

1. Overview

- (a) The procedure described in this Appendix (the “**User Consultation Procedure**”) will be followed by Project Co in developing the Design in consultation with the Facility Users and preparing Submittals. See for reference by Section 5.5 of Schedule 2 [Design and Construction Protocols].
- (b) Project Co acknowledges that consultation with the Facility Users is an essential step in the completion of the detailed Design for the Facility and accordingly Project Co will conduct consultations with Facility Users in respect of components of Design as reasonably required to have regard to of all Facility User’s requests and requirements;
- (c) This User Consultation Process is intended to describe the consultation which the parties will follow to finalize the Design, and will not be interpreted to amend or relieve Project Co from its obligations relating to Design as otherwise set out in this Agreement.
- (d) All Submittals will comply with the requirements of Section 5.8 of Schedule 2 [Design and Construction Protocols].

2. User Consultation Schedule

- (a) Within 20 Business Days of the Effective Date Project Co will, in cooperation with the Authority, prepare and submit to the Authority a draft of a User consultation schedule (the “User Consultation Schedule”) describing:
 - (1) the components of the Project that will be the subject of consultation with the Facility Users; and
 - (2) the anticipated timelines for review and consultation by the Facility Users in relation to the Project Schedule;and within 40 Business Days of the Effective Date the parties will cooperate to finalize the User Consultation Schedule that will apply to the preparation of the Design.
- (b) The parties will cooperate to update the User Consultation Schedule as required, including to address any adjustments to the Project Schedule made pursuant to 10.2 of of Schedule 2 [Design and Construction Protocols].
- (c) Both parties will act in a timely way so as to facilitate the efficient completion of the Design having regard to the Project Schedule.
- (d) Both parties acknowledge that the User Consultation Schedule must allow for the conclusion of the User Consultation Procedure in advance of Project Co making a Submittal to the Authority under Appendix 2E.

3. **User Consultation Procedure**

- (a) The parties will cooperate to establish, within 20 Business Days of the Effective Date, a User Consultation Procedure for the involvement of Facility Users in the Design process, including:
 - (1) the composition of each specific Facility User group (to be amended from time to time as may be required); and
 - (2) the nature and level of detail of drawings and specifications that will be provided to the Facility User groups prior to and as part of the consultation.
- (b) Without limiting the generality of the foregoing, through the User Consultation Procedure, Project Co will:
 - (1) prepare and deliver to the Authority's Design Representative drawings and other documents together with a written design brief describing the design component in appropriate detail;
 - (2) as appropriate prepare the mock-ups of rooms as called for in Section 5.9 of Schedule 2 [Design and Construction Protocols] that relate to the design component;
 - (3) make a presentation to relevant Facility Users describing the design component;
 - (4) consult with and obtain comments from the Facility Users at appropriate stages of the development of the Design; and
 - (5) subject to Section 5 of this Appendix 2F, revise the Design as appropriate having regard for the comments made by the Facility Users.

4. **Amendments and additions to the Design**

- (a) Throughout the completion of detailed design of the Facility, Project Co will have further consultations with Facility Users where there has been a material amendment or addition to the Reviewed Drawings and Specifications which would have an impact on the Facility Users.

5. **Changes**

- (a) If Project Co considers that compliance with any comment raised by a User would lead to a Change, Project Co shall, before taking into account such comment or objection, so notify the Authority. If it is agreed by the Authority that such comments or objections would lead to a Change then the procedure as detailed in Schedule 6 [Changes, Minor Works and Innovation Proposals] shall apply. If the parties are unable to reach agreement, request 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 comments or objections raised that would not lead to a Change.

6. 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 User Consultation Procedure including assisting Project Co to identify the appropriate persons to make up the required Facility User groups, and making arrangements for such persons to be available to participate in the User Consultation Procedure in accordance with the User Consultation Schedule, but nothing in this Section 6 of this Appendix will be interpreted to give the Authority responsibility for the Design, the Design schedule or the User Consultation Procedure.