

SCHEDULE F

OWNER'S POLICIES, PROCEDURES, BY-LAWS AND OTHER REQUIREMENTS

1. OWNER'S POLICIES, PROCEDURES AND BY-LAWS, AND OWNER LABOUR TRADES OBLIGATIONS

1.1 The Contractor shall, and shall cause all Subcontractors, Suppliers and Sub-subcontractors to become familiar and comply with, and perform all aspects of the Work so as not to contravene or conflict with, all the terms and conditions of:

1.1.1 the Owner's Policies, Procedures and By-laws, which include the following:

- .1 By-laws of the City of Toronto as set out in the City's Municipal Code at: <https://www.toronto.ca/legdocs/bylaws/lawmcode.htm>;
- .2 Chapter 195, Purchasing, of the Toronto Municipal Code; and
- .3 the policies and procedures set out in Appendix 1 of this Schedule F – Owner's Policies, Procedures and By-laws and Other Requirements including the following:
 - (i) Accessible Customer Service Training Requirements;
 - (ii) Declaration of non-discrimination policy;
 - (iii) Fair Wage Policy (See: Toronto Municipal Code Chapter 67, Fair Wage and Schedule A: Fair Wage Policy and Schedule C: Fair Wage Schedule, 2016-2019). The Fair Wage Schedule, if any, that is applicable to this Agreement is set out in row E.4 of Schedule A – Information Sheet;
 - (iv) Environmentally Responsible Procurement Statement;
 - (v) the Set Off component of the Right to Reject Debtors and Set Off Policy;
 - (vi) Purchase of products manufactured in factories where children are used as slave labour or other exploitive circumstances which impedes child development;
 - (vii) Tree Protection Policy; and
 - (viii) Workers Rights;
 - (ix) Exhibition Place Covid-19 Contractor Questionnaire
 - (x) Exhibition Place Construction Waste Management Plan

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- 1.1.2 as applicable to the Work, the City of Toronto's labour trades contractual obligations in the construction industry (as identified in the Toronto Municipal Code Chapter 67, Schedule B: Labour Trades Contractual Obligations in the Construction Industry) and any other collective agreements in the construction industry to which the Owner is a party or is bound by, as may be amended or supplemented from time to time (collectively, the "**Owner Labour Trades Obligations**")
- 1.2 Failure to comply with the Owner's Policies, Procedures and By-laws and/or Owner Labour Trades Obligations shall constitute a default under GC 11.1.3. Failure by a Subcontractor, Supplier and Sub-subcontractor to comply with the Owner's Policies, Procedures and By-laws and/or Owner Labour Trades Obligations shall entitle the Owner to direct the Contractor to, and the Contractor shall, remove and replace such Subcontractor, Supplier or Sub-subcontractor, as the case may be.
- 1.3 If a fair wage complaint is filed with, or a fair wage investigation is commenced by, the City of Toronto's Fair Wage Office in relation to any alleged violation of the Fair Wage Policy by the Contractor or a Subcontractor, Supplier or Sub-subcontractors, the Owner may, in accordance with GC 5.10 – OWNER'S SET-OFF, set-off an amount sufficient to satisfy claims under the Fair Wage Policy that may be assessed by the City of Toronto's Fair Wage Office and any potential Losses that the Owner may incur including administration costs, attendance and preparation costs, investigation costs, legal costs and any other expenses reasonably incurred in relation to the matter.
- 1.4 The Contractor shall:
- 1.4.1 not employ any Persons on the Work whose labour affiliation (or lack thereof) is incompatible with other labour employed in connection with the Work or at the Site; and
- 1.4.2 cooperate with the Owner and its Personnel and take all reasonable and necessary actions to maintain stable and harmonious labour relations with respect to the work at the Site including cooperation to attempt to avoid work stoppages and other labour disputes.
- 1.5 If a grievance is filed against the Owner in relation to a violation of any Owner Labour Trades Obligations, the Owner may, in accordance with GC 5.10 – OWNER'S SET-OFF, set-off an amount sufficient to satisfy any potential Losses that the Owner may incur including attendance and preparation costs, hearing fees, legal costs and any other expenses reasonably incurred in order for the Owner to respond to and/or defend against the grievance.
- 1.6 The Contractor shall be responsible for all costs necessary to rectify any non-compliance with the Fair Wage Policy or violation of any Owner Labour Trades Obligations (including all costs incurred by the Contractor in the payment of any additional Personnel wages required to rectify such non-compliance with the Fair Wage Policy or violation of any Owner Labour Trades Obligations) without any increase in the Contract Price or extension in the Contract Time.

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- 1.7 Notwithstanding section 1.6 of this Schedule F and GC 7.5.2, if subsequent to the Effective Date, changes are made to the Owner's Policies, Procedures and By-laws and any of the Owner Labour Trades Obligations which increase or decrease the cost of the performance of the Work or Contract Time then:
- 1.7.1 any claim by the Contractor must be submitted in accordance with the requirements of GC 7.7 - CLAIMS PROCEDURE, provided that the Contractor shall not proceed to perform the Work in accordance with such changed Owner's Policies, Procedures and By-laws or Owner Labour Trades Obligations until the Owner or the Contract Administrator, as the case may be, has issued a determination to Contractor regarding the validity of its Claim Notice in accordance with GC 7.7.6; and
- 1.7.2 the Owner may submit a change in accordance with the requirements of GC 7.1 – OWNER'S RIGHT TO MAKE CHANGES.

2. CONTRACTOR PERFORMANCE EVALUATION

- 2.1 The Contractor's performance shall be evaluated by the Owner in accordance with the Owner's contractor performance evaluation procedure and using the evaluation form provided as a part of the Procurement Process. A poor evaluation may lead to the Contractor being suspended and therefore ineligible to bid on future contracts with the Owner for a period of time.

APPENDIX 1: OWNER'S POLICIES AND PROCEDURES

1. Policies and procedures listed in Section 1.1.1.3 (i) – (vi) are set out on the City of Toronto website at: <https://www.toronto.ca/business-economy/doing-business-with-the-city/understand-the-procurement-process/purchasing-policies-legislation/>
2. The policies listed in Section 1.1.1.3 (vii) – (x) and 2.1 is attached to this Appendix 1.