

SCHEDULE 9

PRIME CONTRACTOR DESIGNATION HIGHWAY CONSTRUCTION PROJECTS

1. This Schedule relates to the responsibility for communication, information concerning the Prime Contractor designation and responsibility for coordination of activities, responsibility for maintenance activities within the limits of construction, and responsibility for incident response activities within the limits of construction as between the Prime Contractor and the Maintenance Contractors.
2. **Responsibilities for Communication**
 - 2.1 It is imperative that communication occurs between the Maintenance Contractors and construction contractor(s) at the startup of a construction job and contact information and responsibilities be discussed ahead of any on site construction activities taking place. These contractors and the Province's District Operations Manager and Ministry Representative will have a pre-construction meeting to review the responsibilities of each. The details of the construction contract (the work, the construction schedule, and so forth) and the times and conditions of scheduled shutdowns will be communicated to the Maintenance Contractors. 24 hour contact numbers for all key personnel need to be exchanged.
3. **Prime Contractor Designation and Responsibility for Coordination of Activities**
 - 3.1 The construction contractor is the Prime Contractor with respect to WCB safety purposes and is responsible for the coordination of OH&S issues of all employers for the limits of construction. That responsibility is inherent whether there is active construction activities on site or if the construction contractor has temporarily shut down activities for the evening weekend, or other short time period. The Maintenance Contractors doing work within the limits of construction must coordinate their activities with the Prime Contractor's coordinator.
 - 3.2 On a highway construction project with more than one construction contractor contracted with the Province, the Province may designate one or more Areas of Responsibility (which together will encompass all the construction activities) each with one Prime Contractor. The areas and Prime Contractor designations will be confirmed at the pre-construction meeting.
4. **Responsibility for Maintenance Activities within the Limits of Construction**
 - 4.1 The highway construction project does not relieve the Maintenance Contractors of their respective responsibilities for maintenance activities within the limits of construction unless the Province has provided the Maintenance Contractors with a written notice that removes the inventory from the maintenance contracts, pursuant to the terms of these contracts.
 - 4.2 In most cases, the Maintenance Contractors retain some responsibility for maintenance during construction. The construction contract places the obligation on the construction contractor for the maintenance of the "Disturbed Features" only. Disturbed Features are defined in the construction contract as follows:

- (a) Disturbed Feature(s) means any feature, natural or man-made, whether within or outside the Site, which has been, in the opinion of the Ministry:
- (i) disturbed, damaged, destroyed, modified, replaced, or constructed by the Contractor; or
 - (ii) deleteriously affected by an action or inaction of the Contractor or by any Subcontractor or an element under the Contractor's control or responsibility,

including but not limited to detours, embankments, excavations, drainage ditches and systems, shoulders, signs, luminaries, traffic signals, and existing roads to and within the Site.

4.3 In practice, this means the construction contractor has maintenance obligations only for portions of the limits of construction, rather than blanket coverage of the entire limits of construction; the Maintenance Contractors are responsible to perform all routine summer maintenance only for Disturbed Features. The construction contractor is free to provide those services in-house, to subcontract to the Maintenance Contractor(s) or to another subcontractor (at the construction contractor's cost). The one exception is maintenance on electrical controllers, where that work must be performed by the electrical maintenance contractor (at the construction contractor's cost).

4.4 The Maintenance Contractors perform Routine Maintenance Services in the limits of construction except for Disturbed Features. The Highway Maintenance Contractor's responsibility for quantified maintenance within the limits of construction is as negotiated with the District Operations Manager or the Ministry Representative. At the start of a highway construction project, the Highway Maintenance Contractor and the District Operations Manager or the Ministry Representative should review what would normally be done or is scheduled to be done on the infrastructure impacted by the construction and come to a determination whether that work should proceed, or whether the quantities should be assigned elsewhere.

4.5 General Condition 26.01 of the Major Works contract relieves the construction contractor of routine winter maintenance services where roadways are open to the public, whether the feature has been "disturbed" or not. However, this GC 26.01 can be modified by the Province pursuant to GC 26.02 – 26.04.

5. **Responsibility for Incident Response Activities within the Limits of Construction**

5.1 When the construction contractor is on site and working, and a crash or other emergency situation arises within the limits of construction, the construction contractor must respond immediately to the situation. In such instances, it is also the construction contractor's responsibility to inform Regional Transportation Management Center (RTMC) of the incident and of any anticipated delays or traffic obstructions. It is also essential that the RTMC be updated as conditions on the site change and when the scene has been cleared and normal traffic flow reestablished so that timely and accurate information can be provided to the public.

5.2 During construction shutdown periods (whether overnight, weekends, or for a more extended period of time), the Disturbed Features must be made safe. The construction contractor must provide patrol services for Disturbed Features to ensure traffic control devices are in place and

properly functioning, and arrangements must be made to ensure emergencies, which could impact the safety of the travelling public, are responded to effectively and efficiently. The construction contractor is free to provide those services in-house, to subcontract to the existing Maintenance Contractor(s) or to another subcontractor (all at the construction contractor's cost).

- 5.3 Generally, RTMC contacts the construction contractor during normal working shifts, and either of the Maintenance Contractors after-hours or when construction is suspended or during shutdown periods. If either Maintenance Contractor is first to respond and determines that the incident relates to a Disturbed Feature, the Maintenance Contractor may contact the construction contractor who will take over the response.
- 5.4 Response activities for incidents that do not involve Disturbed Features is the responsibility of the applicable Maintenance Contractor when the construction contractor is not on site. Included in the response by the applicable Maintenance Contractor is the responsibility to inform RTMC of the incident and of any anticipated delays or traffic obstructions. It is also essential that the RTMC be updated as conditions on the site change and when the scene has been cleared and normal traffic flow reestablished so that timely and accurate information can be provided to the public.