

MEMORANDUM OF UNDERSTANDING
REGARDING VANCOUVER BOARD OF EDUCATION
SEISMIC MITIGATION PROJECT OFFICE

(this “**Agreement**”) is made and is in effect as of August 20th, 2014 (the “**Effective Date**”),

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE
OF BRITISH COLUMBIA, as represented by the Minister of Education

(the “**Province**”)

AND:

THE BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 39 (VANCOUVER)

(the “**VBE**”)

1. Context and Scope

The Province and the VBE (individually, a “**Party**” and collectively, the “**Parties**”) consider student safety to be a top priority, and have committed to reducing seismic risk to protect students through the Seismic Mitigation Program (“**SMP**”) for schools. The primary objective of the SMP is to achieve a life-safety standard for schools by minimizing the probability of local structural collapse as a result of a seismic event.

The purpose of this Memorandum of Understanding (“**MOU**”) is to facilitate the establishment of a project office (the “**VPO**”) to manage all of the VBE’s SMP projects, to define the terms of reference for the VPO, the director (the “**Director**”) and the steering committee (the “**Steering Committee**”), and to identify the respective roles and responsibilities of the VBE, the Province, the Steering Committee, the VPO and the Director. The Parties intend that the VBE will complete its SMP projects in an effective and efficient manner and within the parameters of the SMP.

While the VPO is to be a part of the VBE, the intent is that the VPO will function with limited interaction with the day-to-day VBE operations.

2. Terms and Conditions

2.1 The VPO is hereby established to manage the SMP in the Vancouver school district.

2.2 The Steering Committee that shall provide oversight and direction to the VPO, and be comprised of the following members, is hereby established:

two representatives of the VBE, being the VBE’s Superintendent and Secretary-Treasurer, or their designates; and

two representatives of the Province, including its Deputy Minister of Education and another Deputy Minister, or their designates.

Additionally, staff of the VBE and the Province may be invited to attend meetings of the Steering Committee as non-voting members, as and when appropriate from time to time.

- 2.3 The Steering Committee will be an advisory committee to the VBE and the Province.
- 2.4 The VPO shall be led by the Director, who will receive direction from the Steering Committee on issues related to the planning and implementation of seismic projects and the SMP in Vancouver.
- 2.5 The VBE shall not select or publicly present a preferred option for a SMP project unless and until that option has been endorsed by the Steering Committee.
- 2.6 Recommendations concerning individual projects agreed upon by the Steering Committee by consensus will be forwarded to the VBE and the Province for approval, as required.
- 2.7 If the Steering Committee does not reach a consensus on a recommendation for a specific project, then a report will be provided to the VBE and the Province outlining the respective positions.
- 2.8 The VPO's annual operating budget, including office lease costs, shall be approved by the Steering Committee and funded from SMP capital project budgets.
- 2.9 For the purposes of managing the SMP, the VPO will consist of project managers and other professional and support staff as are approved by the Steering Committee.
- 2.10 The Steering Committee shall be responsible for developing the qualifications and criteria required for the Director position. The Steering Committee will oversee the hiring of the Director through a competitive process.
- 2.11 The Steering Committee will provide guidance regarding the overall structure of the VPO and approve and monitor the annual budget of the VPO.
- 2.12 The Director shall be responsible for staffing the VPO. VPO staff, including the Director, will be employees of the VBE.
- 2.13 The VBE staff currently engaged in delivering SMP projects may be assigned to the VPO, if agreed to by the Steering Committee.
- 2.14 The VBE shall develop and submit to the Province for approval a long range facilities plan, with agreed upon levels of projected enrolment growth and location, ultimately to determine how to achieve 95% capacity utilization through the SMP and maximize the existing capacity as swing space to complete the SMP in a manner that is as fiscally sound as possible. The initial long range facilities plan shall be completed by June 30, 2015, and will be reviewed annually by the Steering Committee to reflect changes in demographics and other issues.
- 2.15 The VPO is to develop a SMP implementation schedule, for approval by the VBE and the Province, that enables the VBE to complete the SMP within a reasonable and achievable timeframe.
- 2.16 Building or site improvements will be funded by the SMP only where these are required as a result of necessary SMP structural work. The VBE, at its discretion, may provide

additional funding from VBE resources to address building or site improvements not resulting from necessary SMP structural work.

- 2.17 Off-site improvements and code upgrades that are (i) required by authorities having jurisdiction as a condition of issuing permits for completion of SMP work, and (ii) approved by the Steering Committee, shall be considered SMP project costs to be funded by the Province.
- 2.18 SMP projects are expected to be upgrades to existing facilities and not full facility replacement projects, except where replacement is the lowest cost option.
- 2.19 Where temporary accommodation is required as a result of an SMP project, every reasonable effort will be made to provide accommodation in existing schools. Project costs will provide for transportation costs and reasonable costs for upgrades to host schools, where needed.
- 2.20 The Province's obligation to pay money to the VBE is subject to the Financial Administration Act, which makes that obligation subject to an appropriation being available in the fiscal year of the Province during which payment becomes due.

3. Term of MOU

This MOU will be in force for a term of three years from the Effective Date, provided that the Parties may extend the term at any time by written agreement, and either Party may terminate this Agreement on at least ninety days written notice to the other Party.

4. Roles and Responsibilities

The Province (through the Ministry of Education), the VBE, the Steering Committee, the VPO and the Director shall have the respective roles and responsibilities set out in Schedule A attached hereto.

Her Majesty the Queen in Right of the Province of British Columbia,
by the authorized representative of the Minister of Education



Name: Honourable Peter Fassbender
Title: Minister of Education
Ministry of Education

The Board of Education of School District No. 39 (Vancouver)
Per:

Authorized Signatory

Name:
Title:

SCHEDULE A
TO MEMORANDUM OF UNDERSTANDING
REGARDING VANCOUVER BOARD OF EDUCATION
SEISMIC MITIGATION PROJECT OFFICE

Roles and Responsibilities

Province (through the Ministry of Education)

Approval of supported projects.
Approval of Project Definition Reports (PDRs).
Approval of Project Agreements (PAs).
Approval and provision of provincial funding for SMP projects.

VBE

Develop and submit a long range facilities plan to the Province for approval by June 30, 2015.
Approval of PDRs.
Approval of PAs.
Approval and provision of VBE funding, if required, for additional costs as per Section 2.16.

Steering Committee

Develop qualifications and criteria required for the VPO Director.
Oversee hiring of VPO Director.
Approve the annual budget for the VPO.
Approve policies and procedures for the VPO.
Recommend PDRs to VBE and the Province (Ministry of Education).
Recommend PAs to VBE and the Province (Ministry of Education).
Recommend scope, budget, and schedule changes to the VBE and the Province (Ministry of Education).

VPO Director

Responsible to the Steering Committee for the planning and delivery of seismic projects and the SMP in Vancouver.
Responsible for ensuring project upgrades fit with the Province's (Ministry of Education's) and governments overall rules for seismic upgrade projects.
Responsible for developing an annual VPO operating budget that must be approved by the Steering Committee.
Responsible for hiring staff for the VPO.
Responsible for the day-to-day operation of the VPO.

VPO

Responsible for completing Seismic Project Identification Reports (SPIRs) for supported projects.
Responsible for completing PDRs for submission to the Steering Committee.
Responsible for obtaining stakeholder input on PDRs, if required.
Responsible for completing PAs for consideration by the Steering Committee.
Responsible for implementing and completing projects with approved PAs.